BENGAL LEGISLATIVE ASSEMBLY
Acc. No. 1778
7 1939
LIBRARY

Official Report

Bengal Legislative Council Debates

First Session, 1939

8th to 10th, 13th, 14th, 16th, 20th to 23rd, 27th and 28th February, 6th to 8th, 10th, 13th to 15th March, 1939

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1939

BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Mr. HAMIDUL HUQ CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

Mr. K. N. MAJUMDAR, M.A. (CANTAB.), BAR-AT-LAW.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL.

Mr. T. M. PAUL, B.A.

PANEL OF CHAIRMEN.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, KT., of Santosh, M.L.C.,

Sir EDWARD C. BENTHALL,

Mr. KAMINI KUMAR DUTTA,

Begum HAMIDA MOMIN.

GOVERNMENT OF BENGAL

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble LORD BRABOURNE, G.C.S.I., G.C.I.E., M.C.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

The Hon'ble Mr. NALINI RANJAN SARKER, in charge of the Finance Department.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Departments of Local Self-Government and Industries.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar, in charge of the Department of Communications and Works.

The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Departments of Commerce and Labour and Rural Reconstruction.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Department.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Department of Public Health and Medical and Constitution and Elections.

The Hon'ble Mr. SHAMSUDDIN AHMED, in charge of the Department of Agriculture and Veterinary.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahamed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Khan Bahadur Nazimuddin. [Burdwan Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
5. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
6. Barua, Dr. Arabinda. [Chosen by the Governor.]
7. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

8. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
9. Chaudhury Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
11. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
12. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
13. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
14. Chowdhury, Mr. Humayun Reza. [Rajshahi cum Malda Muhammadan (Rural).]
15. Cohen, Mr. D. J. [Chosen by the Governor.]

D

16. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
17. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
18. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
19. D'Rozario, Mrs. K. [Chosen by the Governor.]
20. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

21. Ellahi, Khan Bahadur S. Fazal. [Presidency Division South Muhammadan (Rural).]
22. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

23. Ferguson, Mr. R. W. N.

G

24. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

25. Haider, Nawabzada Kamruddin. [Bengal Legislative Assembly.]
26. Hoshim, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohammad. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Mohammad Ghazitl. [Tippera Muhammadan (Rural).]

30. Ibrahim, Khan Bahadur Mohammad. [Bogra Muhammadan (Rural).]

J

31. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

32. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
33. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
34. Khan, Khan Bahadur Muhammad Asat. [Rangpur Muhammadan (Rural).]
35. Khan, Maulana Muhammad Akram [Bengal Legislative Assembly.]

L

36. Lamb, Mr. T. [Bengal Legislative Assembly.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. MacFarlane, Mr. J. [European.]
39. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
42. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
44. Mukherji, Rai Bahadur Satis Chandra. [Burdwan Division North-East General (Rural).]

O

45. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

P

46. Pal Choudhury, Mr. Ranajit. [Presidency Division General (Rural).]

47. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

R

48. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]

49. Rahman, Mr. Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]

50. Rashid, Khan Bahadur Kazi [illegible]. [Dacca South-East Muhammadan (Rural).]

51. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]

52. Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh, [Bengal Legislative Assembly.]

53. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]

54. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]

S

55. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]

56. Sarker, Rai Sahib Indu Bhusan. [Dacca Division South General (Rural).]

57. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West General (Rural).]

58. Shamsuzzoha, Mr. M. [Bengal Legislative Assembly.]

59. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]

60. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]

61. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur [Bengal Legislative Assembly.]

62. Stokes, Mr. H. G. (European.)

W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the First Session, 1939.)

Volume I—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 8th February, 1939, at 3-30 p.m., being the first day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Hon'ble Members of the Legislative Council. Since we met last, Bengal has lost two of her most distinguished sons, India a brave fighter and Asia, one of the most conspicuous figures of the post-war period.

The death of Mustafa Kemal Ataturk has removed a really romantic personality from the world's stage. He was a valiant soldier, a capable ruler, a wise statesman and, judged by the striking achievements which were crowded into his all too brief public career, an unquestionably great man. He was one of those remarkable men whom destiny had thrown into the melee of post-war Europe, while the world was still in the vortex of revolutionary changes. The "sick man of Europe" was dying. But a comparatively junior officer in the Turkish Army decided that Turkey must live and not die. He was none other than Mustafa Kemal Pasha, the Saviour of Turkey. It is a heroic story of battles and wise example of peace-making, which set the whole of the Eastern Hemisphere ablaze. If at that moment of his supreme triumph, his judgment had become a little unbalanced, and Kemal had thought more of realising his personal ambitions, he could easily have become a Disturber of Peace in the Near East. But he was no mere soldier intoxicated with power. After the battle was won, Ghazi Mustafa Kemal Pasha decided to consecrate his energies to the task of giving a dynamic expression to the inarticulate hopes and ambitions of his fellow-countrymen. He established a

Republic, abolished the Caliphate, emancipated the Turkish womenfolk from the Purdah, revitalised the Turkish language and industrialised a predominantly agricultural population. Even Peter the Great probably did not do more, in the brief space of sixteen years, to educate his benighted countrymen in the Arts, Sciences and manners of civilised Europe. He was great in himself but greater as the centre of the efforts of a people to re-create itself. It is this example of his genius in war and peace that is Kemal's priceless legacy to the peoples of Asia.

Entirely different in character, though not perhaps in the intrinsic value of human life and action, were the achievements of Dr. Sir Brojendra Nath Seal, who left the country poorer by his death but richer by his memory. Here was one who was primarily a man of thought. That Dr. Seal was a great philosopher and great educationist, that he was a litterateur and mathematician of the first order and that he was vastly learned in the Social Sciences, was known quite well in India and beyond. In the tremendous sweep of his intellect, he took all knowledge as his province. And he was, as Poet Tagore has beautifully put it, "a Seer in the Penance-forest of Humanity, where in the heavens of meditation, in the interval of Aeons the stars greet one another emerging from the Deep". Like the Rishis of the Upanishads, he used to soar in supreme majesty on the inaccessible heights of knowledge, not in disdain of the earth "where cares abounded" but in search of the light that would illumine the soul's dark corners.

Life to him was an intellectual adventure and a spiritual quest. The tragedy of his later years, when in attempting to piece together his life's labours in the form of a synthetic philosophy he was prostrated again and again by strokes of paralysis, was too deep for words, and the loss to Bengal and the world through this misfortune was immeasurable.

Mr. Girish Chandra Bose, Founder, Principal and Rector in succession of the Bangabasi College, Calcutta, passed away full of years and honours. During the trying days of the Non-co-operation and the Civil Resistance Movements and after, the Bangabasi College afforded a sort of asylum to all those students and professors who would not be accepted by other colleges, as Principal Bose did not believe in penalising young men for their views on political issues.

As a teacher Mr. Bose was widely respected for his sympathetic interest in the progress of his pupils and also his generous appreciation of the difficulties of poor students desirous of prosecuting higher studies. He popularised the study of elementary and higher Botany, in our schools and colleges through well-edited treatises in Bengali on the subject.

Maulana Shaukat Ali passed away from the scene of his earthly labours all too suddenly. His death is all the more regrettable because it occurred at a time when the country could ill-afford to spare him. Robust optimism about the future destiny of his Motherland was the most distinguishing trait of Maulana Shaukat Ali's character. He never wavered in his idealism, never despaired, however dismal the outlook, of India ultimately attaining her national goal of Independence, and never doubted that a lasting understanding would be reached between the two principal communities in this country. The joyous abandon of his nature was often misunderstood, but I can testify to the generosity of his nature and the purity of motives which prompted his actions from my personal experience which dates back to the days when the Ali Brothers were less known to their countrymen than they became after the Khilafat movement. Those who had opportunities of coming into closer contact with him could not but be impressed by the absolutely guileless dealings and the transparent bonhomie of the man. In his case it could truly be said that his massive physique concealed within it a really big heart. And, gentlemen, these are exactly the qualities that our country needs at this hour and even in this House, while we meet to shape the destinies of our province.

As a mark of respect to the memory of the departed great the Hon'ble Members will please rise in their seats just for a moment.

(Hon'ble members rose in their seats.)

Thank you, gentlemen. I take it that it is the desire of the House to convey to the members of the respective bereaved families the deep sympathy and condolences of this House.

(Cries of "yes" "yes" from all sides of the House.)

Mr. PRESIDENT: I shall now take up the Questions which could not be answered during the last August Session.

QUESTIONS AND ANSWERS

Replies to Questions unanswered in the August Session, 1938.

Chittagong College and Khastagir Girls' High English School.

99. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the resolutions recently passed by the Municipal Commissioners of the

Chittagong Municipality and also to resolutions passed at a representative meeting of the leading citizens of Chittagong requesting the Government to—

(*i*) sanction the extension scheme of the Chittagong College in order to provide more accommodation;

(*ii*) to raise the Dr. Khastagir Girls' High English School at Chittagong to the status of an Intermediate College for Girls; and

(*iii*) to start a vernacular training school for women at Chittagong?

(*b*) If so, does the Government contemplate to take early steps to give effect to these recommendations or any of them? If not, why not?

(*c*) Has the scheme for the extension of the Chittagong College received administrative approval? If not, why not?

(*d*) Is it a fact that the Government has asked the Inspectress of Schools, Dacca Circle, to send a scheme for opening a vernacular training school for girls at Chittagong? If so, has the scheme been received by the Government? If not, does the Government intend to take immediate steps to get the school started at Chittagong as early as possible?

(*e*) Is it a fact that a proposal to attach I.A. classes to the Dr. Khastagir Girls' School was sent to Government by the Managing Committee of the School as early as 1926? If so, why has the Government not taken any action on it?

(*f*) Is it a fact that the Managing Committee of the Dr. Khastagir Girls' High English School passed a resolution at its last sitting recommending to the Government to raise the school to the status of a Second grade College for Girls? If so, does the Government contemplate to take any step to give effect to these recommendations?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) (*i*) At present there is no proposal for the expansion of the Chittagong College. But there is a scheme for the extension of the laboratories of the College, which is under consideration of Government.

(*ii*) A proposal for adding Intermediate Classes to Dr. Khastagir's High School for Girls at Chittagong was considered in 1926, but the proposal had to be dropped as the University of Calcutta was not in favour of attaching College classes to High schools and the two together being run as one and the same institution. A proposal for establishment of a training school for Muslim girls at Chittagong has been submitted by some citizens of Chittagong and the matter has been referred to the Inspectress of Schools, Dacca Circle, whose report is awaited.

(*c*) to (*e*) The questions are covered by the answers to (*b*).

(*f*) No such proposal has yet been received by Government.

Rules for the appointment and promotions of Government servants.

100. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Bahadur Keshab Chandra Banerjee): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether there are prescribed rules for the appointment and promotion of Government servants;

(*ii*) whether there are any rules in the office of the Registrar of Assurances, Calcutta, regarding appointment and promotion?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the President of the All-Bengal Registration Employees' Association addressed communications on the 24th May, 1938, to the Registrar of Assurances, Calcutta, the Hon'ble the Premier and the Inspector-General of Registration, Bengal, on the subject?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what answers were given by the Registrar of Assurances, Calcutta, the Inspector-General of Registration, Bengal, and the Secretary, Education Department, to the letter, dated the 1st June, 1938, from the President, All-Bengal Registration Employees' Association, regarding the enquiry relating to appointments and promotions in the Calcutta Registration Office?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) Yes. There are different rules for different departments and different classes of officers.

(*ii*) There are no rules for this office except the general instructions contained in paragraph 310 of the Bengal Registration Manual.

(*b*) No communication of this date and on this subject was received by the Inspector-General of Registration and the Chief Minister but one was received by the Registrar of Assurances.

(*c*) No reply appears to have been given by the Registrar of Calcutta to the President of the All-Bengal Registration Employees' Association. As no communication was received by the Inspector-General of Registration, no reply was called for by him. A copy of letters No. 622-Regn., dated the 11th July, 1938, and No. 907-Regn., dated the 30th August, 1938, sent by the Secretary, Education Department, in reply to the letter, dated the 1st June, 1938, from the President, All-Bengal Registration Employees' Association, is placed on the table.

Statement referred to in the reply to question No. 100.

No. 622 Regn., dated Calcutta, the 11th July, 1938.

From—S. M. Murshed, Esq., Assistant Secretary to the Government of Bengal, Education Department,

To—The President, All-Bengal Registration Employees' Association.

SUBJECT:—*Filling up of vacancies in the posts of copyists in the office of the Registrar of Assurances.*

Your letter No. 114, dated the 1st June, 1938, has been received and will receive due attention.

No. 907-Regn., dated Calcutta, the 30th August, 1938.

From—T. M. Dow, Esq., I.C.S., Secretary to the Government of Bengal, Education Department,

To—The President, All-Bengal Registration Employees' Association.

In continuation of this department letter No. 622-Regn., dated the 11th July, 1938, I am directed to state that the procedure laid down in paragraph 310 of Instruction and Orders in the Bengal Registration Manual, 1938, is followed in the cases of appointment and promotion in the clerical services in the Registration Offices. It has been reported by the Inspector-General of Registration, Bengal, that he had occasion to examine the cases of promotion recently made in the office of the Registrar of Calcutta and he found that no injustice had been done to any body concerned.

Education cess in Murshidabad district.

101. Rai MANMATHA NATH BOSE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nachipur): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table copies of the resolutions passed by the District Board of Murshidabad on the 7th December, 1937, and on the 15th January, 1938, in connection with the imposition of Education cess in Murshidabad district?

(*b*) Have the Government acted in accordance with the resolutions so passed by the District Board of Murshidabad?

(*c*) If not, what are the reasons for ignoring the consensus of opinion of a public body like the District Board?

(*d*) Is it a fact that the Government have notified under notification, dated the 14th April, 1938, that the Bengal Rural Primary Education Act of 1930 would come into force in the district of Murshidabad with effect from the 14th April, 1938?

(*e*) Is it a fact that there have been floods in several places of Murshidabad district and that the standing crops have been washed away and damaged?

(*f*) Is it a fact that a Flood Relief Committee has been started with the local Circle Officer, Mr. A. K. Biswas, as President, to help the distressed people?

(*g*) Has the attention of the Hon'ble Minister been drawn to the publications in newspapers regarding the floods and the distress prevailing in Murshidabad district?

(*h*) Have the Government ascertained the views of the tenants with regard to the imposition of Education cess in the district under existing conditions?

(*i*) Do the Government consider the desirability of postponing the imposition of Education cess this year considering the pitiable circumstances of the tenants?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): After careful enquiry the Collection of the Education cess has now been deferred in the district of Murshidabad until further orders.

Primary education tax.

102. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state —

(*a*) whether the Government is aware that the people of Chittagong, Noakhali and Tippera are protesting against and resenting vehemently the imposition of primary Education tax in those districts;

(*b*) whether the Government propose to suspend the imposition and realisation of such a tax; and

(*c*) whether the Government propose to select those districts for introducing free and compulsory primary education without levy of a fresh taxation on the people of those places; if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN, (on behalf of the Minister in charge of the Education Department): (*a*) and (*b*) The collection of Education cess has been suspended in the districts of Chittagong and

Noakhali. In Tippera the collection of the cess will go on as recommended by the District Magistrate, Tippera, and the Commissioner, Chittagong Division.

(*e*) It has not been possible so far for Government to evolve any scheme of free and compulsory primary education which can be financed without the levy of the Education cess.

Clerks and copyists of the Calcutta Registration Office.

103. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Bahadur Keshab Chandra Banerjee): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement giving the names of those clerks and copyists of the Calcutta Registration Office, who have been granted extension of service, showing therein—

(*i*) their tenure of service;

(*ii*) their salaries at the time of extension; and

(*iii*) whether they are drawing the maximum pay?

(*b*) Will the Hon'ble Minister be pleased to state whether he contemplates any action in this matter?

(*c*) Is it not a fact that the Hon'ble the Premier stated in answer to question No. 253 (*b*), dated the 21st March, 1938, in the Bengal Legislative Council that extra copyists were not Government servants except when they were appointed in place of permanent employees?

(*d*) If so, do Government propose to keep a service book for each extra copyist attached to the office of the Registrar of Assurances, Calcutta, as stated in the answer to question No. 4 (*b*), dated the 30th July, 1937, in the Bengal Legislative Council?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) A statement is placed on the table.

(*b*) No.

(*c*) Yes.

(*d*) As extra copyists are not permanent Government servants, the question of keeping service book for them does not arise. A consolidated register containing their service records is maintained in the office of the Registrar of Assurances, Calcutta.

Statement referred to in the reply to question No. 103, showing the names of the clerks and copyists of the Calcutta Registration Office, who have been granted extension of service.

Names.	Nature of service.	Tenure of service.	Salary at the time of extension.	Whether drawing maximum pay.
			Rs.	
(1) Babu Jogin Ch. Bhattacharjee.	Clerk ..	35 years	70	No.
(2) Babu Jyotish Ch. Ghosh	Copyist ..	20 ,,	50	Yes.

Primary Education Cess.

104. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. H. P. Poddar): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the recent primary education cess has been levied on the basis of the valuation of land as estimated in 1926?

(*b*) If the answer to part (*a*) is in the affirmative, is the Hon'ble Minister aware—

(*i*) that since 1926 the value of land has dropped to less than half; and

(*ii*) that due to this fall in the value of land the rent-earners are the most hard hit class?

(*c*) if the answer to part (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government propose to revise the primary education cess and to levy the same on the present-day valuation of land?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) No.

(*b*) and (*c*) Do not arise.

Primary Education Act in Mymensingh

105. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether the Primary Education Act is in operation in the district of Mymensingh;

(*b*) how many villages and how many unions there are in that district;

(*c*) how many primary schools there are in each of the unions in that district and how many of them are upper primary schools;

(*d*) (*i*) what is the total number of pupils now receiving instructions in those schools,

(*ii*) what is the total number of teachers engaged in those schools, and

(*iii*) of those teachers, how many are Hindus and how many Moslems;

(*e*) (*i*) what is the average pay of teachers in those primary schools, and

(*ii*) what is the minimum qualification required of those teachers;

(*f*) (*i*) whether education is free in those primary schools, and

(*ii*) whether compulsion has been introduced there;

(*g*) if the answer to (*f*) (*ii*) be in the negative, whether the Hon'ble Minister will be pleased to state why no compulsion has been introduced there;

(*h*) whether there is any fixed plan by which in the course of a certain number of years, the primary education in Mymensingh will be made compulsory;

(*i*) if so, whether the Hon'ble Minister will be pleased to give a brief outline of that plan and whether that plan contemplates also to make primary education free;

(*j*) what has been the total expenditure so far met of the public Exchequer for those primary schools in Mymensingh; and what has been the local contribution;

(*k*) whether the Hon'ble Minister proposes to issue necessary instructions to the proper authorities to remove unemployment in the ranks of the released detenus and internees who are duly qualified, by appointing as many of them as teachers as possible whenever new recruits are taken in or any vacancies occur in Mymensingh and in other districts of Bengal in primary schools; if not, whether Hon'ble Minister will be pleased to state the grounds for refusing to issue such instructions; and

(*l*) whether the Hon'ble Minister will be pleased to give an assurance to the public that in those schools, communalism in no shape or form will be taught or encouraged?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) The number of villages—10,290. The number of unions—527.

(*e*) There are on an average 6·2 primary schools in a union and all of them are four-class primary schools as outlined in the Government resolution, No. 1037-Edn., dated the 9th March, 1937.

(*d*) (*i*) The total number of pupils—197,090.

(*ii*) The total number of teachers—6,077.

(*iii*) The number of Hindu teachers—1,624.

The number of Moslem teachers—4,411.

The number of other teachers—42.

(*e*) (*i*) The average pay Rs. 11 per mensem.

(*ii*) Minimum qualifications—M.E., M.V. or J.M.

(*f*) (*i*) Yes.

(*ii*) No.

(*g*), (*h*) and (*i*) Government will be prepared to consider the question of enforcing compulsion when adequate facilities for primary education, justifying such enforcement, have been provided.

(*j*) The information is not available but if the member desires, a further communication will be made to him giving the information.

(*k*) As appointments are made in most cases by non-Government bodies, such a direction is not feasible.

(*l*) No such assurance is necessary until the need for it is proved.

Primary Education Cess.

106. Mr. KAMINI KUMAR DATTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government is aware—

(*i*) that the outturn of jute crop in the district of Tippera will be short this year and that the holders of estates and of tenures in the district of Tippera are not having proper and normal realisation of rent from the tenants, and many of them are in want and with great difficulty have to pay the revenue and rent due from them; and

(*ii*) that notification has been issued under the provision of Bengal Rural Primary Education Act announcing the imposition of primary education cess?

(*b*) Are the Government aware that in the present economic condition of the country such imposition of this primary education cess will cause a great hardship?

(*c*) Do Government propose to suspend the operation of the levy of primary education cess in Tippera till the present low economic condition of the district exists?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) The outturn per acre of jute is expected to be less this year. But larger areas have been sown and the total crop is not therefore likely to be considerably lower than the last year's outturn.

The collection season has not yet begun, but landlords have shown no sign of anticipating difficulties in making a satisfactory collection of rents this year.

(*ii*) Yes.

(*b*) I do not consider that widespread hardship will be caused by the imposition of the cess.

(*c*) No.

Appointment of clerks from outsiders in the office of the Registrar of Assurances.

107. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Keshab Chandra Banerjee Bahadur): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement mentioning the number of clerks appointed from amongst outsiders together with their names, dates of appointment and qualifications, in the office of the Registrar of Assurances, Calcutta, from 1930 to 1935, giving the figures year by year?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement giving the names of the clerks appointed from amongst permanent copyists with the dates of appointment and their qualifications, from 1930 to 1935, stating the figures year by year?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) and (*b*) Two statements are laid on the table.

Statements referred to in the reply to question No. 107.

NUMBER OF CLERKS APPOINTED FROM AMONGST OUTSIDERS IN THE CALCUTTA REGISTRY OFFICE FROM 1930 TO 1935.

Year.	Name.	Date of appointment.	Educational qualification.
1930 ..	Nil	Nil	Nil.
1931 ..	Syed Saadat Ali ..	17-11-1931	Matric.
1932 ..	Bazlul Huq ..	18-2-1932	B.Sc., B.L.
1932 ..	Panchanan Mukherjee ..	1-3-1932	Undergraduate.
1933 to 1935 ..	Nil ..	Nil	Nil.

NUMBER OF CLERKS APPOINTED FROM AMONGST COPYISTS IN THE CALCUTTA REGISTRY OFFICE FROM 1930 TO 1935.

Year.	Name.	Date of appointment.	Educational qualification.
1930 ..	Shamsuddin Khan ..	16-10-1930	Non-Matric.
1931 ..	Md. Mafizar Rahman ..	1-4-1931	Matric.
1931 ..	Md. Yakub ..	2-6-1931	Non-Matric.
1931 ..	Abdul Khair ..	5-8-1931	Non-Matric.
1932 ..	Nil. ..	Nil	Nil.
1933 ..	Jatindra Nath Bose ..	6-4-1933	Non-Matric.
1934 and 1935	Nil ..	Nil	Nil.

Reappointment of retired Government servants.

108. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherjee Bahadur): (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state how many appointments have been made by the Government from amongst retired Government servants and in what departments? Is the pay now given to them the full pay of the post to which they are appointed?

(*b*) Will the Government kindly state the amount of monthly salary drawn by each of such officers after their new appointment? Is such pay in addition to the pension drawn by them?

(*c*) What is the reason or the policy underlying such recruitment from retired men?

(*d*) Is there any contract with them, and for what period has each of them been appointed? Have they undergone any medical examination before such appointment?

(*e*) Was any such appointment made by the Government before? If so, when and how many such appointments were made in each department?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) and (*b*) A statement is laid on the table. Of the 24 reappointments, only nine got the full pay of the posts. All drew pay in addition to the pension payable to them.

(*c*) Reappointments are avoided unless they are absolutely necessary in the interests of the public. When a service, e.g., a new post requiring special knowledge or experience is created, it cannot be filled all at once by raw men. Old experienced men are taken in to tide over the temporary difficulty.

(*d*) No, the period of appointment is less than one year in most cases. They have not been made to undergo any medical test.

(*e*) Yes, 28 appointments of this kind were made in the various departments of Government as indicated in the statement laid on the table in the five years preceding the introduction of the Constitutional reforms.

Statement referred to in the answers to clauses (a) and (b) of question No. 108.

Department.	Number of reappointments since 1st April, 1937.	Amount of monthly salary drawn by each.
(1) Judicial and Legislative Department (Judicial).	2	1 on Rs. 200 and the other on Rs. 230.
(2) Agricultural and Industries Department (Miscellaneous).	1	Rs. 250.
(3) Co-operative Credit and Rural Indebtedness Department (Rural Indebtedness).	2	Rs. 125 each.
(4) Home (Special) Department ..	2	1 on Rs. 100 and the other on Rs. 75.
(5) Revenue Department ..	2	1 on Rs. 700 and the other on Rs. 3,000.
(6) Home (Appointment) Department	10	1 on Rs. 393-10-0. 1 on Rs. 353-1-0. 1 on Rs. 302-2-0. 1 on Rs. 403-12-0. 1 on Rs. 200-7-0. 1 on Rs. 411-2-0. 1 on Rs. 433-11-0. 1 on Rs. 185-0-0 ; and 1 on Rs. 177-14-0. The pay of the remaining one has not yet been fixed.
(7) Education	2	1 on Rs. 200 and the other on Rs. 13.
(8) Education (Registration)	2	1 on Rs. 200 and the other on Rs. 25.
(9) Finance Department.	1	Rs. 175.
Total	24	

Statement referred to in the answer to clause (e) of question No. 108.

Department.	Number of appointments.
Commerce and Marine	1
Communications and Works	1
Co-operative Credit and Rural Indebtedness	7
Home	14
Education	5
Total	28

Retrenchments since April, 1937.

109. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state what is the total amount of expenditure retrenched under all departments of the Government of Bengal from the 1st April, 1937, up to the 30th June, 1938, and out of this how much under each department?

(*b*) Will the Hon'ble Minister concerned be pleased to state if any further retrenchment in expenditure is being effected with a view to bring about a reduction of at least 10 per cent. in the total annual expenditure of the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Rs. 2,75,219. A statement showing the retrenchments effected under the different departments is laid on the table.

(*b*) Further retrenchments are being examined but Government are not aiming at any arbitrary percentage.

Statement referred to in the reply to clause (a) of question No. 109, showing savings due to retrenchments effected by present Government from 1st April, 1937, to 30th August, 1938.

Department.	Items of retrenchment.	Amount of saving.
		Rs.
Home (including Police).	(1) Reduction of the cadre of the Bengal Civil Service from 322 to 249.	1,53,000
	(2) Reduction of the bulk of the Civil List.	3,800

Department.	Items of retrenchment.	Amount of saving.
		Rs.
	(3) Discontinuance of the supply of Indian News Agency telegrams to the Hon'ble President and Speaker of the Assembly.	720
	(4) Replacement of 8 Inspectors of Police by Sub-Inspectors.	15,737
	(5) Abolition of the post of Jamadar and reduction in the number of Head Constables from 14 to 8 in the Calcutta Police Training School.	5,000
lical	(1) Reduction of 4 Indian Medical Department posts.	4,800
	(2) Replacement of Demonstrators of the Medical College by contract officers on a small pay.	19,272
	(3) Revised arrangement for teaching Surgery of Tropical Diseases at the School of Tropical Medicine.	975
Agriculture and Industries.	(1) Economies in the administration of the Royal Botanical Garden.	3,888
	(2) Reorganisation of the Cinchona Department.	7,000
Revenue	Substitution of temporary for permanent Chairman at Mymensingh.	267
Judicial	Conversion of the posts of Head Clerk and Interpreter of the C.P.M.'s office into posts of middle grade clerks.	1,250
Co-operative	Abolition of the temporary post of Superintendent, Milk Societies, and the Basirhat and Khulna Boat establishments.	8,300
All Departments —Stationery and Printing.	Reduction of the stationery grant	40,000
Special pay ..	Reduction of rates or abolition of special pays.	6,060
Contingent expenditure.	Police contingencies, lights and fans in Writers' Buildings.	5,200
	Total ..	2,75,219

Political prisoner. Babu Prasanta Kumar Sen..

110. Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Narendra Chandra Datta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state in which jail Babu Prasanta Kumar Sen (a political prisoner), son of Babu Akshoy Kumar Sen, post office Wari, Jurpul Lane, Dacca, convicted by a Special Tribunal to 7 years' rigorous imprisonment in 1938, on a charge of dacoity at Dacca, is at present lodged?

(*b*) What is the present condition of his health?

(*c*) Is it a fact that he was repatriated from the Andamans on the ground of health?

(*d*) Is it a fact that he has long been suffering from the following diseases:—

(1) organic defect of the heart (V.D.H.);

(2) rise of temperature in the evening;

(3) suspected tuberculosis;

(4) chronic pharyngitis; and

(5) optic neuritis?

(*e*) Is it a fact that his treatment has always been neglected on the ground that he had an additional sentence of 2 years 6 months under Section 52 of the Prisons Act?

(*f*) Do Government propose to release him at once in view of his serious diseases?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Dum-Dum Central Jail.

(*b*) Indifferent.

(*c*) Yes.

(*d*) (1), (2), (3) and (5) No.

(4) He is under treatment for chronic pharyngitis.

(*e*) No.

(*f*) The present condition of his health is not such as to cause anxiety. His case will, therefore, be placed before the Advisory Committee in due course.

Political prisoner Babu Pravat Chandra Chakravarty.

111. Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Narendra Chandra Datta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state in which jail Babu Pravat Chandra Chakravatty of Bardia, in the district of Tippera, who was sentenced to transportation for life by a Special Tribunal in connection with the Inter-Provincial Conspiracy Case, is at present lodged?

(*b*) What is the present condition of his health?

(*c*) Is it a fact that he received serious injuries in course of play while in the Andamans?

(*d*) Does the Government contemplate his early release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Alipore Central Jail.

(*b*) Good.

(*c*) No, the injury was not serious.

(*d*) Not at present.

Jail Administration.

112. Raja BHUPENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*i*) the amount allotted in the budget in the years 1936-37 and 1937-38, under the head "Jail Administration" in connection with the political prisoners and detenus;

(*ii*) the actual amount spent in the years mentioned above; and

(*iii*) how much has been allotted in the budget (calculating proportionately from the whole year's allotment for three months, namely, April, May and June, 1938); and how much has been spent actually?

(*b*) Will the Hon'ble Minister be pleased to state if there has been any retrenchment in the expenditure in view of the fact that most of the political prisoners and detenus have been released and the congestion in the jails has been minimised to a great extent?

(*c*) What was the total amount of saving in three months?

(*d*) What was the total number of the political prisoners on the 1st April and the total number on the 1st July, 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) The information is not available as figures of allotment and expenditure for such prisoners and detenus in the Bengal jails are not maintained separately from those of other prisoners.

(*d*) It is presumed that by the term "political prisoners" the hon'ble member refers to persons sentenced to imprisonment by the courts for offences connected with the terrorist movement. If so, the table below gives the information asked for. Similar figures for the 1st April, and 1st July, 1938, are not available.

	20th March, 1938.	28th June, 1938.
Prisoners convicted of offences connected with terrorist movement ...	357	324
Detenus in jails ...	6	4
Detenus in home domicile ...	34	71
Detenus in village domicile ...	393	299
Detenus in training camps ...	102	...

Discussion of resolutions in the Council and the Assembly.

113. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Home Department kindly state how many resolutions were tabled in the Council and in the Assembly during the previous two sessions?

(*b*) How many of these resolutions were discussed and how many of them were passed?

(*c*) Will he be good enough to state in each such case what action has been taken?

(*d*) If no action has been taken in any case, what is the reason? Is Government contemplating to take action in those cases?

(*e*) Will the Government propose to allot more time to discuss resolutions very few of which are discussed for want of allotment of sufficient time by the Government for the purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Council 81 and Assembly 451.

	Discussed.	Passed.
(*b*) Council ...	6	1
Assembly ...	6	2

(*c*) The resolution passed in the Council relates to the military training of Bengalis. A copy of the debates in the Council was forwarded to the Government of India, Defence Department.

Of the two resolutions carried in the Assembly, one relates to the release of detenus and persons detained without trial, and the other relates to the declaration of "Fateha Yazdaham" as a gazetted holiday. As regards the former, the member is referred to the statement made by the Home Minister in the meeting of the Assembly of the 24th August, 1938, a copy of which is laid on the table. As regards the latter, orders have been issued declaring "Fateha Yazdaham" to be a gazetted holiday.

(*d*) Does not arise.

(*e*) The member is referred to section 16 (*1*) of the Bengal Legislative Council Rules and Standing Orders. The number of days to be allotted for resolutions will be considered with relation to the requirements of public business.

Copy of a statement made by the Hon'ble Minister regarding release of detenus at the meeting of the Bengal Legislative Assembly on the 24th August, 1938.

THE HON'BLE KHWAJA SIR NAZIMUDDIN: Yes, Sir, there is a question of Mr. Birendra Nath Mazumdar.

Sir, when this Ministry came into power in April, 1937, they found that there were some 2,700 persons subject to orders of restraint in one form or another under the Bengal Criminal Law Amendment Act of 1930 or Regulation III of 1818. Of these, nearly 1,000 were in jails or camps; about 850 in village domicile, and 200 in home domicile. A little over a year ago, on the 9th of August, 1937, it was announced in this House that the policy of Government was to release the detenus as rapidly as possible consistent with public safety. This policy has been followed systematically and consistently so that to-day I am in the happy position of being able to tell the House that the process has been completed. Orders for the release of the last few persons who remained under detention or in domicile have been issued and from to-day there are no detenus or State prisoners in Bengal. (Hear, hear! from the Coalition Benches.) This has been rendered possible by an improvement in the situation as regards terrorism which we trust and are entitled to hope will be maintained. We, Sir, have done our part, but we shall remain vigilant. I commend it in the strongest terms to all who have the power to influence by the spoken or written word the people of this Province that they see to it that our trust has not been misplaced.

Khan Bahadur ATAUR RAHMAN: Sir, three resolutions were discussed and passed; one resolution by Dr. Radha Kumud Mookerji was passed here in this House in August, 1937, regarding the River-training and a comprehensive scheme of irrigation, one regarding the building for the Council and one about the Muslim girls' education. How does the Hon'ble Member say that only one resolution was passed in this House? What about the other resolutions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir. I do not know if these resolutions were those for which notices were given previously or moved on the floor of the House.

Khan Bahadur ATAUR RAHMAN: These resolutions were discussed and passed in the House after due notices. Dr. Radha Kumud Mookerji's resolution was passed on the 11th August, 1937.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if in the resolutions which he has mentioned here, he has taken into account those which were passed in the form of addresses to His Excellency the Governor? They were resolutions of the Council.

Mr. PRESIDENT: Those were special motions and not resolutions of the House.

Dr. RADHA KUMUD MOOKERJI: Sir, I gave due notice of the resolution which I had the honour of moving in August, 1937. That resolution was passed unanimously and it was the first resolution to be so passed by this Council.

Mr. PRESIDENT: It seems there is some inaccuracy in the reply. The Hon'ble Minister should look to this.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already asked for notice, Sir. I will look into this question.

Food scarcity in the Goalundo subdivision.

114. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether the subdivision of Goalundo in the district of Faridpur is experiencing severe food scarcity since June last;

(*ii*) whether in June last, one Kunja Biswas of Arpana ended his life by hanging, being unable to find food for himself and his family;

(*iii*) whether it is a fact that Kafiluddin Sheikh of Chowmukh also committed suicide under similar circumstances as stated in clause (*ii*); and

(*iv*) whether it is a fact that for similar reasons as stated in clauses (*ii*) and (*iii*) the wife of Tufan Sheikh at Ghee Kamla was seen hanging in June last with a view to committing suicide and whether it is a fact that the men of the locality rushed to the spot, cut the rope and saved her after preliminary aid?

(*b*) (*i*) Will the Hon'ble Minister be pleased to state what steps the Government has taken so far to relieve the food distress in the subdivision, particularly in the villages named above?

(*ii*) Whether Government has made any contribution from the Famine Insurance Fund to help the distressed people in the affected areas in Goalundo subdivision and particularly the members of the family of the persons mentioned in part (*a*) of the question, and if so, how much; if not, why no help was given to the distressed out of that fund?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) As a result of heavy rainfall causing loss of standing crops scarcity is apprehended.

(*ii*) Kunja Biswas of Arpana committed suicide as a result of a quarrel with his wife.

(*iii*) Kafiluddin Sheikh of Chowmukh made a *benami* transaction of his properties in order to deprive the widow of his cousin of her *kabin*. The widow sued him for the amount before the Mrigi Debt Settlement Board which proposed to issue warrant of arrest against him. All this exasperated Kafiluddin and he committed suicide.

(*iv*) No.

(*b*)(*i*) Arrangements have been made for the distribution of agricultural loans and gratuitous relief. Out of the sum of Rs. 2,80,000 for agricultural loans, Rs. 6,000 for test works and Rs. 6,000 for gratuitous relief allotted for the whole district, the local officers have arranged to distribute Rs. 50,000 for Goalundo subdivision. Gratuitous relief is being given and test work in the shape of clearance of water-hyacinth has been opened.

(*ii*) Funds for the gratuitous relief and test work have been allotted from the grant under the head "54—Famine Relief".

Appointments in the temporary posts of Secretary, Deputy Secretary and others.

115. Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department kindly state—

(*a*) how many new temporary posts of Secretaries, Deputy Secretaries, Assistant Secretaries and Special Officers in the Secretariat were created since the 1st April, 1936, and for what period;

(*b*) the total expenditure likely to be incurred annually on account of these new posts; and

(*c*) the cost of ministerial and menial staff attached to the officers of such posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is placed on the table showing the number of temporary posts created between 1st April, 1936, and 31st July, 1938, and the extra expenditure involved up to 31st July, 1938. As the posts are temporary, it is not possible to frame an estimate of the probable annual expenditure.

Statement referred to in the answer to question No. 115.

Department.	Number of temporary posts of Secretary, etc., in which extra cost is involved.	Total extra expenditure.	Cost of Ministerial and Menial staff.
		Rs.	Rs. a.
Judicial and Legislative Department.	4 posts of special officers — (*i*) for about 3 months and 22 days. (*ii*) for about 11 months. (*iii*) for 1 year. (*iv*) for about 3½ months.	11,492	988 5.
Communications and Works Department.	1 post of special officer for 16 days only	Nil	25 0
Agriculture and Industries Department.	1 post of special officer for 5 months ..	4,000	2,990 0
Public Health and Local Self-Government Department.	1 post of Deputy Secretary for about 1 year 7 months. 1 post of special officer for about 9 months.	3,450	7,708 6
Forest and Excise Department.	1 temporary post of Assistant Secretary for 4 months 18 days.	443	132 0
Revenue Department.	3 posts of special officers — (*i*) for about 3 months. (*ii*) for about 4 months 15 days. (*iii*) for about 5 months.	9,542	..
Finance Department.	4 posts of special officers— (*i*) for about 6½ months. (*ii*) for about 5½ months. (*iii*) for about 9 months.	17,603	6,695 0
Home Department.	2 posts of special officers— (*i*) for about 1½ months. (*ii*) for about 11½ months.	3,523	25 0
Commerce and Labour Department.	1 post of Joint Secretary for one year	7,800	375 8

Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Are these temporary posts going to be continued from year to year?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the hon'ble member will kindly go through the statement that is printed here, he will find that most of them were of a very temporary nature.

Mr. HAMIDUL HUQ CHOWDHURY: Were they for short periods that have already expired?

The Hon'ble Khwaja Sir NAZIMUDDIN: Must have.

Mr. HAMIDUL HUQ CHOWDHURY: Or they have started recently and are still running, sir?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, if the hon'ble member will read the statement carefully, he will find that most of them have expired because of their temporary nature.

Properties forfeited to His Majesty.

116. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if any money security or credit had been ordered by the Government to be forfeited to His Majesty under the provisions of the Criminal Law Amendment Act, 1908 (amended in 1932 and thereafter)?

(*b*) If the answer to clause (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the names of the associations and persons whose property has thus been ordered to be forfeited?

(*c*) Do Government propose to restore those properties or compensate the parties concerned? If not, why not?

(*d*) Will the Hon'ble Minister be pleased to name the places taken possession of under the provisions of the Bengal Suppression of Terrorist Outrages Act?

(*e*) Do Government propose to restore those places back to the possession of the owners thereof? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) (1) House of Babu Girish Das, of Sujaganj, Midnapore town; (2) Kutchery house of Mr. D. L. Khan, M.L.A., at Khaprel Bazar, Midnapore town; and (3) Baherak Satyasram, police-station Tangibari, Dacca.

(*e*) The two houses in Midnapore have already been restored. Restoration of the Satyasram in Dacca has been ordered and will shortly be completed.

Reduction of rent.

117. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a Committee has been appointed to enquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations on the matter in due course? If so, what was the composition of the Committee? Do the members represent different classes and interests?

(*b*) How many persons would represent the landlords and how many the tenants?

(*c*) Has any caste Hindu or Scheduled Castes member been taken from the Legislative Council? If not, why not?

(*d*) How many have been appointed from the Assembly and how many from the Council?

(*e*) Has any principle been adopted in selecting the personnel of the Committee?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A copy of resolution No. 14972-L.R., dated the 29th July, 1938, appointing the Committee is laid on the table. As regards the principle followed in selecting the personnel of the Committee the hon'ble member is referred to the discussions in the Council on the 10th August, 1938, in connection with an adjournment motion on the subject moved by Mr. Kanjini Kumar Dutta, M.L.C.

Statement referred to in the answer to question No. 117.

Resolution No. 14972-L.R., dated Calcutta, the 29th July, 1938.

The Governor is pleased to appoint a Committee composed of the undermentioned gentlemen to inquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations in the matter in due course:—

Chairman (ex-officio).

1. Member, Board of Revenue (Bengal).

Members.

2. Mr. Kader Baksh, M.L.C.
3. Khan Bahadur Naziruddin Ahmed, M.L.C.
4. Maulvi Abdul Bari, M.L.A.
5. Mr. Md. Abdul Jabbar Palwan, M.L.A.
6. Maulvi Mafizuddin Chaudhury, M.L.A. (of Balurghat).
7. Mr. Aftab Hossain Joardar, M.L.A.
8. Khan Bahadur Maulvi Jalaluddin Ahmad, M.L.A.
9. Maulvi Abdul Wahab Khan, M.L.A.
10. Mr. Upendra Nath Edbar, M.L.A.
11. Mr. Patiram Roy, M.L.A.
12. Mr. J. N. Basu, M.L.A.
13. Maharaj-Kumar Uday Chand Mahtab, M.L.A.
14. Mr. Haripada Chattopadhyaya, M.L.A.
15. Mr. Rasik Lal Biswas, M.L.A.
16. Rai Harendranath Chaudhury, M.L.A.
17. Mr. G. Morgan, C.I.E., M.L.A.
18. The Director of Land Records and Surveys (Bengal) (*ex-officio*), who will also act as Secretary to the Committee.

Order.—Ordered that the resolution be published in the *Calcutta Gazette* and copies thereof forwarded to the President and Members of the Committe.

By order of the Governor,

N. V. H. SYMONS,

Secretary to the Government of Bengal.

Revenue-paying estates of the Presidency Division.

118. MR. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the total number of revenue-paying estates under the Collectorate in the five districts of the Presidency Division; and

(*b*) the number of defaulting estates in these five districts—

(*i*) as regards revenue,

(*ii*) as regards revenue and cess, and

(*iii*) as regards cess only?

The Hon'ble Sir BIJOY PRASAD SINGH ROY:

	24-Parganas.	Khulna.	Jessore.	Nadia.	Murshidabad.
(*a*)	2,039	1,146	2,770	2,456	2,424
(*b*) (*i*)	29	88	Nil	60	74
(*ii*)	147	100	75	320	311
(*iii*)	467	568	807	1,334	1,912

Mr. RANAJIT PAL CHOUDHURY: Regarding answer to (*b*) (*iii*), considering the heavy number of defaulters for cess, will the Government consider decreasing the amounts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Decreasing the amount?

Mr. RANAJIT PAL CHOUDHURY: Considering the heavy number of defaulters, specially in Nadia and Murshidabad, will the Government consider decreasing the——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Does the hon'ble member suggest re-valuation?

Mr. RANAJIT PAL CHOUDHURY: Yes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there must be a recommendation from the District Board to that effect, because they have to bear the cost of re-valuation. The hon'ble member is a member of the District Board, and I do not think he has still taken part in any such resolution passed by the District Board.

Flood in the district of Murshidabad.

119. Raj Bahadur SURENDRA NARAYAN SINHA: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the flood is gradually rising day by day and that some portion of the district of Murshidabad especially the Lalbagh and Jangipur subdivisions have been inundated?

(*b*) If so, do the Government propose to take any step to remove the distress of the flood-stricken people of the said district by granting any financial (gratuitous relief and agricultural loan) or other help?

(*c*) Are Government aware that the District Board of Murshidabad has granted help for the people of those subdivisions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Rs. 64,500 for gratuitous relief and Rs. 6,55,000 for agricultural loans have already been allotted to the district, up to 25th October, 1938.

(*c*) Yes.

Rai Bahadur SURENDRA NARAYAN SINHA: Will the Hon'ble Minister be pleased to state if these figures for test work and agricultural loans are up to the end of January? If not, what will be the figures up to the end of January?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. PRESIDENT: The next two questions of Khan Bahadur Ataur Rahman and Rai Bahadur Surendra Narayan Sinha seem to be the same except that in the first question it is for *tauzis* and in the second it is for *mehals*. Answers are the same.

Payment of Government revenue.

120. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that, for the economic depression and other reasons many zemindars are not in a position to pay Government revenue in proper time and for this the *tauzis* are being advertised for sale;

(*ii*) that in the district of Murshidabad and in other districts, the Collectors were using their discretion in extending time for paying Government revenue; and

(*iii*) that the Collector of Murshidabad is now enforcing the realisation of the penalty which has added to the difficulties of the zemindars when they are already in financial trouble though such exemption was allowed last two years?

(*b*) Will the Hon'ble Minister kindly enquire into the matter, and issue instruction to the Collector of Murshidabad and other districts of Bengal, which are suffering from flood and other kinds of distress, not to enforce the realisation of penalties for default in paying Government revenue till better times come?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Defaults have taken place and the consequence of default is sale unless the Collector exempts the estate from sale under section 18 of Act XI of 1859.

(*ii*) The Collector may by special order exempt an estate from sale and accept payment of arrears of revenue after the latest date fixed by the Board of Revenue for payment of arrears. These powers are frequently exercised by Collectors.

(*iii*) Occasionally exemption from sale was granted without exacting a penalty. This is in accordance with the instructions issued by the Board of Revenue (Note 10 to section 18 on page 50 of the Sale Law Manual).

Exemption is still granted without penalty when the facts justify exemption from sale. Under section 2 of Act XVII of 1935 interest is payable on arrears of Land Revenue and the Board has ordered that interest is to be levied when sale is postponed.

(*b*) Discretion to exempt from sale is given by Statute to Collectors: The Collectors of districts where the conditions referred to exist have been directed to exercise their discretion in a lenient spirit.

121. Mr. PRESIDENT: This question seems to be the same as the previous one, except for the word *mehals* in place of the word *tauzis* in question No. 120.

Rai Bahadur SURENDRA NARAYAN SINHA: Therefore I need not ask this question.

Rights of the tenants.

122. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a Committee has been appointed to investigate into the rights of the tenants in non-agricultural lands in the Province on 1st April, 1938?

(*b*) What was the number of the representatives of the landlords and those of the tenants in that Committee?

(*c*) Have any members been appointed from the Legislative Council? If so, which class do they represent?

(*d*) Has any principle been followed in the choice of the members?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A Committee was constituted on the 1st August, 1938.

(*b*) Most of the non-official members are believed to be both landlords and tenants of non-agricultural lands.

(*c*) Yes. Two members of the Legislative Council have been appointed as representing members of that House interested in the investigation in question.

(*d*) Of the members, two are officials and one a lawyer, who have been appointed as experts. The others who are all members of the two Houses have been appointed as they are believed to be interested in the study of the problem.

Imposition of fees for exemption from revenue sales.

123. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Revenue Department been drawn to the following revised Rules issued for the imposition of fees for exemption from revenue sales by the Additional Collector of Chittagong:—

"*Order.*

The following revised rules for imposition of fees for exemption from revenue sales will come into effect at once:—

1. An exemption fee at 1 per cent. on the amount of default (revenue or rent) shall be imposed if payment of all arrear dues is made within one month from the date of default.

2. For such payment made after one month of default but at least 15 days before the same date the fees shall be 2 per cent. of the arrear demand (revenue or rent).

3. If, however, the payments of arrear dues are made within 15 days but at least 2 days before the sale date, the fee shall be at 10 per cent. of the arrear demand (revenue or rent).

4. If payment is made on the sale date or on the day previous, then an exemption fee at 15 per cent. of the arrear demand (rent or revenue) shall be levied.

5. When an estate has defaulted more than twice during the last 3 years, an additional exemption fee at 5 per cent. over the rates prescribed above shall be levied.

6. In no case, however, the exemption fee shall be less than annas 4.

The 'sale date' in the above rules means the date advertised for commencing the sale of 'permanently settled estates' or 'Noabad tenures of a khas mahal circle' as the case may be."

(*b*) Has the attention of the Hon'ble Minister been drawn particularly to rules Nos. 3, 4, and 5 of these rules which are working hard upon the defaulting proprietors in these hard days of economic depression?

(*c*) Will the Hon'ble Minister be pleased to issue definite instruction to the Collector of Chittagong not to charge any fee exceeding 6¼ per cent. under any circumstances?

(*d*) Will the Hon'ble Minister be pleased to state what amounts were realised as penalty for exemption of estates from revenue sales in the years 1937, 1936, 1935, 1934, 1933 and 1932, respectively?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The rates are not excessive.

(*c*) The Collector who has to deal with about 10,000 sale cases a year will find it impossible to deal with them if the penalty for payment in the last 2 days before the sale is fixed is very low or at the rate suggested.

(*d*) A statement is laid on the table.

Statement referred to in the reply to question No. 123.

Year	Penalties realised in connection with Government Estates (Noabad Taluks).	Penalties realised in connection with Permanently-settled Estates.
	Rs. a. p.	Rs. a. p.
1932-33	8,604 5 6	2,876 10 0
1933-34	8,616 3 0	4,034 6 0
1934-35	12,136 13 9	8,045 8 7
1935-36	10,460 13 0	10,262 0 3
1936-37	8,036 14 9	5,324 9 3
1937-38	10,175 2 3	4,517 14 6
Total ..	58,030 4 3	35,061 0 7

Flood in the district of Bogra.

124. Khan Bahadur Maulvi MOHAMMED IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that owing to the early appearance of flood and the great rise of water in the Brahmaputra this year, the jute and *aus* paddy of about 40 or 42 unions under the Gabtali, Dhunot and Sariakandi police-stations in the district of Bogra have totally been submerged under water and destroyed,

(*ii*) that about 4 or 5 lakhs of people of the abovementioned affected areas are in acute distress for great scarcity of food and pure drinking water;

(*iii*) that widespread malaria and cholera have been causing innumerable deaths there; and

(*iv*) that there has been a great scarcity of fodder in these areas?

(*b*) If the answers to (*a*), (*i*) to (*iv*) be in the affirmative, have the Government taken any steps to remove them?

(*c*) If so, what are those steps?

(*d*) If the answer to (*b*) be in the negative, what are the reasons therefor?

(*e*) Is it within the contemplation of the Government to make a capital grant and advance individual agricultural loans to the people of those affected areas?

(*f*) Do the Government propose to distribute seeds for *katair* paddy?

(*g*) Will the Government be pleased to take adequate steps so that malaria, cholera and diseases of the cattle may not make a rapid progress in those places?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) In 33 unions of police-stations named jute crop to the extent of annas 8 and *aus* crop to the extent of annas 12 have been damaged.

(*ii*) No.

(*iii*) There have been some cases of malarial fever as usual at this season of the year and a few deaths from cholera.

(*iv*) Yes, to some extent.

(*b*) Yes.

(*c*) (1) Financial aid in the shape of agricultural loans and gratuitous relief has been and is being granted to the people affected by flood. (2) Arrangements are being made for test relief work. (3) Relief Committees have been organised.

(*d*) Does not arise.

(*e*) No.

(*f*) Agricultural loans for the purchase of seed will be given when and where necessary.

(*g*) Steps have already been taken. No cattle disease has been reported.

Sugar Industry in Bengal.

125. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state what steps the Government of Bengal have taken since the grant of protection to sugar industry in 1932, to develop it in this Province?

(*b*) Have the Government made any survey regarding the possibilities or otherwise of the development of this industry in Bengal?

(*c*) If not, will the Government be pleased enough to institute an immediate enquiry regarding the same?

(*d*) Is it a fact that one of the most serious difficulties which the sugar factories in Bengal are experiencing is want of transport facilities for carrying canes to the factories?

(*e*) If so, what steps have the Government of Bengal taken to improve the present conditions of the transport?

(*f*) Has the attention of the Government of Bengal been drawn to an article contributed by Sir P. C. Roy, about the sugar industry in Bengal, published in some of the local newspapers in November 1937?

(*g*) If so, what steps have the Government taken to give effect to the suggestions of Sir P. C. Roy as described in the said contribution?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) to (*c*) For some time I have been thinking of appointing a Sugar Committee to examine the possibilities of the development of the Sugar industry. I had intended to wait for the report of the Tariff Board, but, in view of the delay in the publication of the Board's report, I am now considering the appointment of a Sugar Committee without waiting further for the report.

(*d*) I understand that there is lack of transport facilities in the neighbourhood of certain factories.

(*e*) This concerns the Public Health and Local Self-Government Department and the Communications and Works Department. The attention of both departments has been drawn to the matter.

(*f*) I did not see the article.

(*g*) The question does not arise.

Latrine and urinal at the Gabtali railway station on the Eastern Bengal Railway.

126. Khan Bahadur Maulvi MOHAMMED IBRAHIM: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether innumerable passengers board and alight from trains at Gabtali railway station on the Eastern Bengal Railway;

(*b*) whether there is any latrine and urinal for the passengers at the said station; and

(*c*) whether the Hon'ble Minister proposes to move the Government of India to make necessary arrangements for the same at the said station so as to remove the inconvenience of the travelling public?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) I am informed that nearly three hundred passengers entrain and detrain at this station.

(*b*) No.

(*c*) The Provincial Government have requested the Railway administration to give early attention to the matter and it is understood that the provision of a two-seated latrine has been included in the programme of works of the Eastern Bengal Railway.

Low platforms at stations (Haur to Bankura) on the Bengal-Nagpur Railway.

127. Rai Bahadur MANMATHA NATH BOSE: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the platforms of the Bengal-Nagpur Railway Company, Limited, specially those from Haur to Bankura (excepting those at Kharagpur and Midnapore) stations, are very low and cause much inconvenience to the travelling public, specially women and boys, in getting into and getting down from the trains?

(*b*) If so, does the Hon'ble Minister propose to take steps to remove the grievances by raising the platforms?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Radhamohanpur is the only station between Haur and Bankura having a rail level platform. The Railway administration considers that there are other stations with rail level platforms of greater importance than Radhamohanpur to which preference should be given in the matter of the provision of raised platforms as and when funds can be found for the purpose.

Rai Bahadur MANMATHA NATH BOSE: Sir, my question was not only about the rail level platform but also about low platforms. As a matter of fact, no answer has been given about low platforms.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Anyway, the answer, Sir, is the same.

Absence of proper landing stages and passenger sheds at Hatiya and Sandwip steamer ghats.

128. Khan Bahadur REZZAQUL HAIDAR CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware of the inconvenience of the people of Sandwip and Hatiya specially in the rainy season owing to the absence of proper landing stages and passenger sheds at Sandwip and Hatiya Steamer Stations?

(*b*) Are the Government considering the desirability of drawing the attention of the Steamer Company to this matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) The attention of the Steamer Company has been drawn to this matter.

Debt Settlement Boards.

129. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware of the distress in the rural areas caused by the operation of the Agricultural Debt Settlement Boards owing to the breakdown of indigenous local credit organisations?

(*b*) If so, what steps are being taken for the relief of the agriculturists?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) I am aware that rural credit has contracted to a considerable extent, but the Bengal Agricultural Debtors' Act is not the sole or even the main cause of this development.

(*b*) Government are considering the problem of rural credit in all its aspects and expect to formulate concrete proposals shortly.

Travelling allowance for jurors.

130. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) whether it is a fact that persons serving as jurors in the districts when coming from a distance of less than 5 miles are not allowed any allowance whatsoever;

(*b*) whether it is a fact that they have to incur pocket expenses in attending the courts;

(c) is it not a fact that it is a hardship for them when they are not allowed anything to recoup such expenses undergone by them; and

(d) whether the Government will consider the reviving of the previous rules so that these persons may also be allowed some travelling allowance?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (a) Yes.

(b) and (c) Yes, but the duty of serving as a juror is one which every qualified citizen owes to the State and Government cannot be expected necessarily to meet all expenses in this connection.

(d) Government would like to effect some improvement in the allowances but feel that there are more urgent needs which ought first to be satisfied. The matter will not be lost sight of.

Congested judicial work in the Diamond Harbour Civil Courts.

131. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(a) whether there is sufficient congested judicial work in the Diamond Harbour Civil Courts;

(b) if the answer to (a) is in the affirmative, whether the work requires the posting of three Munsifs to finish the cases without much delay; and

(c) whether Government propose to empower the Munsifs also to hear all appeals from Debt Settlement Boards instead of constituting them appellate officers regarding orders under certain sections of the Bengal Agriculturist Debtors Act?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (a) Yes.

(b) Three Munsifs are already posted at this station.

(c) No.

Rules of daily practice in the High Court and in the Subordinate Courts.

132. Khan Sahib ABDUL HAMID CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether Government are aware that the recent innovations introduced in the rules of daily practice in the High Court as well as in the Subordinate Courts are operating harshly on the litigants and their lawyers?

(*b*) Is it a fact that it has evoked widespread dissatisfaction in the litigant world?

(*c*) If so, what steps do Government propose to take to save the litigant public from the operation of such oppressive rules?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) and (*b*) No.

(*c*) The rules are not oppressive. The matter of modification of the rules is one for action, if at all, by the High Court which I have no doubt will give consideration to any specific complaints in regard to them.

Publication of Cause Lists.

133. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that Cause Lists are printed and published in the High Court with names of Judges who are either absent from the headquarters or are definitely known from before not likely to be able to take up the lists in question?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: This is purely a concern of the High Court. I would request the member if he has any complaint in such matters to address the Registrar of the High Court in the matter.

Khan Sahib ABDUL HAMID CHOWDHURY: Does the Hon'ble Minister mean that he is absolutely helpless in the matter?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: These are matters of discretion and details are left to the High Court to be done without any intervention from outside.

Appointment of Mr. Romaprasad Mukherjee as Assistant Government Pleader.

134. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) on what date was Mr. Ramaprasad Mukherjee appointed as Assistant Government Pleader;

(*ii*) how many appeals from original decrees and original orders has the said Assistant Government Pleader filed in the High Court in his official capacity up till now since the date of his appointment;

(*iii*) how many Paper Books have up till now been prepared or been in the course of preparation and the total number of such appeals filed by the said Assistant Government Pleader; and

(*iv*) who are the Advocates who are preparing or have prepared the Paper Books in the appeals so far filed by the Assistant Government Pleader?

(*b*) Is it a fact that a relative of the said Assistant Government Pleader has prepared or has been preparing the Paper Books in most of the appeals from original decrees and orders filed by the said Assistant Government Pleader?

(*c*) Will the Hon'ble Minister be pleased to state when the said relation of the Assistant Government Pleader was enrolled as an Advocate in the High Court and what are his special training, if any, for which the work of preparing Paper Books were all along entrusted to this single individual lawyer?

(*d*) Do the Government propose to frame rules which will allow proper distribution of the work of preparation of Government Paper Books among the number of Advocates to be selected by the Hon'ble Judges of the Court or the Registrar? If not, why not?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) (*i*) 31st March, 1937.

(*ii*) to (*iv*) One appeal from original order and eight appeals from original decrees have been filed by him as Government Pleader. Another appeal, A.O.D. 249 of 1937, had been filed by him on behalf of the Mahishadal Wards Estate; but the estate was subsequently released and he is no longer in charge of this appeal.

Under Rule 46 of Chapter 9, Part II of the Appellate Side Rules of the High Court, Paper Books in appeals valued under Rs. 10,000 are prepared in the office of the undertaking Advocate: Under Rule 50 of the same Chapter Paper Books in appeals valued at Rs. 10,000 or over are to be prepared entirely in the High Court office subject to the condition that only the translation of the vernacular portion of the record will be made by the undertaking Advocate, the examination of such translations being done by a separate panel of Examiners appointed by the High Court for this purpose.

The appeals filed by him are divided into two groups and the names of the undertaking Advocates either to prepare the Paper Book or to translate the vernacular portion as the case may be, are given below. All the Paper Books are still under preparation.

(I) Appeals valued under Rs. 10,000.

Number of appeal.	Name of the Advocate preparing the Paper Book.
1. M.A. 29 of 1937	Mr. Durga Charan Mitra.
2. A.O.D. 168 of 1937	Mr. Hemanta Kumar Basu.
3. A.O.D. 27 of 1938	Mr. Trideb Nath Roy.
4. A.O.D. 128 of 1938	Mr. Bankim Chandra Roy.
5. A.O.D. 140 of 1938	Mr. Pravash Chandra Basu.
6. A.O.D. 167 of 1938	Mr. Nirmal K. Das Gupta.
7. A.O.D.T. 1739 of 1938	Mr. Farhat Ali.

(II) Appeals valued over Rs. 10,000.

Number of appeal.	Name of the undertaking Advocate.
1. A.O.D. 52 of 1938.	Mr. Paresh Chandra Mitter.
2. A.O.D. of 1938	Mr. Mohit Kumar Chatterjee.

(*b*) Of the Advocates mentioned above only Mr. Mohit Kumar Chatterjee is related to him.

(*c*) The facts are not as stated in the question.

(*d*) No, the present distribution is proper.

Appointment of Munsifs since 1935.

135. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state how many probationary Munsifs were appointed in 1935, 1936, 1937 and 1938, respectively?

(*b*) How many of them were Moslems and how many of them were non-Moslems?

(*c*) What are the minimum qualifications for the post?

(*d*) What is the percentage fixed for the appointment of Moslems in these posts?

(*e*) What is the total number of Subordinate Judges, Additional Session Judges, District Judges and Munsifs, respectively, now working in Bengal and what is the total number of Moslems in each of the above posts?

(*f*) Is the Hon'ble Minister contemplating to issue a fresh circular increasing the percentage of Moslem appointments in the cadre of Munsifs? If not, why not?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) There has been no recruitment during 1938. The figures during 1935, 1936 and 1937 are 35, 21 and 21 respectively.

		1935.	1936.	1937.
(*b*)	Moslems ..	9	5	6
	Non-Moslems ..	26	16	15

(*c*) In the existing rules the minimum qualifications are as follows:—

A graduate in Law of some recognised University, Barrister-at-Law, or a member of the Faculty of Advocates in Scotland, or an Attorney on the rolls of the High Court.

(*d*) and (*f*) In the existing rules no percentage for Muslim appointment is fixed. In the new rules under preparation the percentage of Muhammadan appointment has been fixed at 45.

	Total number.	Number of Muslims.
(*e*) Subordinates Judges ...	54	2
Additional Sessions Judges ...	17	2
District Judges ...	22	2
Munsifs ...	262	65

Loans to agriculturists.

136. Khan Bahadur MOHAMMED IBRAHIM: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) whether the *mahajans* have stopped lending money to the agriculturists since the introduction of the Debt Settlement Board;

(*b*) whether Kabulis are issuing loans to agriculturists at a very exorbitantly high rate of interest;

(*c*) whether it is a fact that these Kabulis are realising loans and high interest by means of oppression; and

(*d*) if so, what steps are being taken to save the poor agriculturists from the clutches of these Kabulis?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: (*a*) The Bengal Agricultural Debtors Act is not a very serious factor in the restriction of rural credit, the main causes of which are the economic depression and past irregularity in repayment of loans; even now *mahajans* are prepared to lend to Agriculturists whose personal credit is good.

(*b*) and (*c*) I believe such cases do occur still.

(*d*) Government has introduced a Bill in the Legislative Assembly for the control of money-lending which is now under consideration by a Select Committee of that House.

Beldanga Radhakishore Sugar Mill.

137. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) whether a very obnoxious smell comes out from the foul water which passes through the drain of Beldanga Radhakishore Sugar Mill in the district of Murshidabad, causing great annoyance to the people of the locality and endangering their health and sanitation;

(*b*) whether on the representation of the residents of the locality to the District Magistrate, the Chairman, District Board, the District Health Officer and the District Engineer held a local investigation into the causes of the complaint;

(*c*) if so, the step or steps which the authorities have proposed to take for the removal of the nuisance; and

(*d*) if no steps have yet been taken, whether the Government will consider the early desirability of expediting the removal of the nuisance?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Public Health and Medical Department): (*a*) Yes, during the working season.

(*b*) Yes.

(*c*) and (*d*) A scheme for disposal of waste water by a process of sedimentation followed by trickling through filters and a *pucca* drain was drawn up with the approval of the District Board after inspection by the Executive Engineer, Public Health Department. No steps have yet been taken by the mill authorities to carry out the scheme. The Assistant Director of Public Health has recently held a further inspection. The matter is now under my consideration.

Mr. RANAJIT PAL CHOWDHURY: Pending consideration of the matter, will the Hon'ble Minister please issue some sort of order to the mill authorities to use some sort of de-odorizer there?

The Hon'ble Mr. H. S. SUHRAWARDY: I will consider that matter, but I may inform the hon'ble member that since receiving this question we have taken the step of informing the District Magistrate to point out to the District Board and the Union Board as to the powers they possess in this respect. The remedy lies in their hands, and they may exercise those powers.

Rai Bahadur SURENDRA NARAYAN SINHA: Is the Hon'ble Minister aware that the District Board had approved of a scheme two years ago and informed the mill authorities through the District Magistrate, but that the mill authorities have not cared to give effect to the scheme?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid the hon'ble member's information is not quite adequate. Union Boards have powers under the Village Self-Government Act, and they may exercise those powers if they are willing to do so. If the nuisance is considerable—as I believe it is—I think the Union Boards should exercise the powers which they possess.

Audit report on Bogra Municipality, 1936-37.

138. Khan Bahadur Maulvi MOHAMMED IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*i*) when the audit report on the accounts of the Bogra Municipality for the year 1936-37 was received by the Chairman; and

(*ii*) whether the said report was laid before the commissioners at a meeting especially convened for the purpose and their explanation forwarded to the audit office; if so, when; if not, why not?

(*b*) Is it a fact that the financial condition of the Municipality has been continuously bad for a long time and that the unpaid bills rose from Rs. 6,223 in 1934-35 to a heavy sum of Rs. 13,165 in 1937, which could not have been met even with all the liquid assets of the municipality (viz., unrealised taxes, unadjustment of advances, cash balance)? If so, what attempt has been made to remedy this ever-increasing embarrassed condition of the municipality?

(*c*) (*i*) Is it a fact that no agreement was undertaken for any work executed by the contractors and that advances were made to them before the commencement of any work and before such advances were needed? If so, in how many cases has this been done?

(*ii*) Is it also a fact that the contractors selected for municipal work did not furnish any security, though required under the rules?

(*iii*) is it also a fact that advances were made to contractors even when former advances made to them were outstanding?

(*iv*) Is there any schedule of tenders showing the comparative value of each work as per contractors' tenders? If not, how is it possible to ascertain that the lowest tenders had always been accepted?

(*d*). (*i*) Is it a fact that the Register of Work was not maintained and that only two or three entries had been made while all other pages of the register remained blank? If so, how is this negligence accounted for?

(*ii*) Is it a fact that the Miscellaneous Register stock-book was not verified either by the Chairman or by the Vice-Chairman?

(*iii*) Is it also a fact that the Vice-Chairman did not put his initials to the Warrant Register and that he did not verify the stock balances?

(*e*) Were any irregularities in the payment voucher noticed by the Auditor in the last audit? If so, what and why?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca (on behalf of the Minister in charge of the Public Health and Medical Department): (*a*) (*i*) On the 25th April, 1938.

(*ii*) Yes. The explanations were as usual submitted to the District Magistrate on the 4th August, 1938.

(*b*) A statement of outstanding bills and liquid assets (i.e., unrealised taxes, unadjusted advances and cash balances for each of the four years beginning with the year 1934-35 is placed on the table. It shows that the financial condition of the Municipality was not so bad during that period. It has since improved appreciably, as the credit balances have been wiped off and the general revision of assessment in 1937-38 has yielded an increase of Rs. 4,000.

(*c*) (*i*) No.

(*ii*) As the contractors are local men of substance, it was not thought necessary to demand any security from them.

(*iii*) No, except on rare occasions and in special cases of urgency.

(*iv*) No, as no such schedule is prescribed by rule or is deemed necessary for the purpose.

(*d*) (*i*) No.

(*ii*) and (*iii*) The Chairman and the Vice-Chairman are reported to have habitually checked and verified these registers; but there were omissions from time to time, and those were rectified when detected.

(*e*) Such irregularities were few and far between. The defects pointed out by the Auditor were generally remedied at the time of audit. Some that could not be done at that time were subsequently settled.

Statement referred to in the reply to clause (b) of question No. 138, showing outstanding bills and liquid assets of the Bogra Municipality for the last four years.

Years.	Outstanding bills (according to register of unpaid bills).		Liquid assets (according to relative Registers).	
	Rs. a. p.			Rs.
1934-35	6,223 7 6	(*i*) Unrealised taxes ..		8,591
		(*ii*) Adjustment of advances ..		298
		(*iii*) Cash balance ..		2,298
1935-36 ..	11,393 11 0	(*i*) Unrealised taxes ..		6,361
		(*ii*) Adjustment of advances ..		958
		(*iii*) Cash balance ..		2,505
1936-37 ..	9,019 12 0	(*i*) Unrealised taxes ..		7,243
		(*ii*) Adjustment of advances ..		1,403
		(*iii*) Cash balance ..		4,050
1937-38 ..	*18,107 7 3	(*i*) Unrealised taxes ..		5,012
		(*ii*) Adjustment of advances ..		485
		(*iii*) Cash balance ..		4,952

*Out of this amount Rs. 4,733 has been paid up to date.

Presidency General Hospital, Calcutta.

139. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. H. P. Poddar): (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*i*) whether the Presidency General Hospital, Calcutta, situated at the junction of Harish Mukherjee Road and the Circular Road, is a Government institution;

(*ii*) whether the hospital is meant exclusively for the European patients and that Indian patients, as a rule, are not admitted there; and

(*iii*) if so, what is the reason for making such discrimination?

(*b*) (*i*) If the answer to (*a*) (*ii*) be in the negative, for what kind or class of patients is the hospital open, and how many Indians and how many Europeans were treated there in course of last three years?

(*ii*) Is there any hospital existing in Bengal that makes discrimination amongst patients on the score of colour?

(*c*) If the answer to clause (*b*) (*ii*) be in the affirmative, what is their number, and do Government give them any financial aid?

(d) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the amount of donation and contribution made by the Europeans for the Presidency General Hospital since its inception; and

(*ii*) the amount of expense borne by the public revenue on account of this hospital?

(*e*) If any such discrimination exists in this hospital against the Indians, will the Hon'ble Minister be pleased to say what steps the Government do propose to take towards the removal of such discrimination?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Public Health and Medical Department): (*a*) (*i*) Yes.

(*ii*) and (*iii*) No. The hospital is, however, primarily meant for European and Anglo-Indian patients whose mode of living and dietary are different and necessitates separate arrangement. Indian patients who have adopted European mode of living and diet and who are willing to conform to it are admitted into the hospital.

(*b*) (*i*) The number of European and Anglo-Indian and Indian patients treated in the indoor and outdoor departments of the hospital during the last 3 years are as follows:—

Year.		Europeans and Anglo-Indians.	Indians.
1935	...	6,606	97
1936	...	7,270	174
1937	...	7,975	343

(*ii*) No.

(*c*) and (*e*) I[illegible]ise.

(*d*) A statement is laid on the table.

Statement referred to in the replies to question No. 139.

		Rs.
(*d*) (*i*) Hospital Post Dues Fund	..	2,00,000
Lumsden's House	..	30,000
Sir Montague Turner	..	30,000
Woodburn Memorial Fund	..	263
Royal Calcutta Turf Club	..	47,000
Calcutta Rangers Club	..	7,500

(*ii*) Calculating on the figures for the last 5 years the expenditure borne by Government for the institution amounts to Rs. 3,70,800 per annum.

Mr. NARESH NATH MOOKERJEE: Sir, Under the column "Indians" in the answer to sub-section (*b*) do the figures given represent outdoor patients or indoor and outdoor patients?

The Hon'ble Mr. H. S. SUHRAWARDY: Both indoor and outdoor. We are attempting to find out the number of indoor and the number of outdoor patients separately.

Mr. NARESH NATH MOOKERJEE: May I request the Hon'ble Minister to send a copy of this answer to the Managing Authorities of the hospital?

The Hon'ble Mr. H. S. SUHRAWARDY: Probably the hon'ble member did not hear my last answer. We are attempting to obtain better and more detailed figures.

Mr. NARESH NATH MOOKERJEE: Sir, my request was made, because I have personal experience of Indians trying to get admission into the hospital and being refused.

The Hon'ble Mr. H. S. SUHRAWARDY: We shall consider that. In the meantime, I may again inform the hon'ble member that we have not allowed the matter to rest here, but we are pursuing the matter in our own way.

Mr. NARESH NATH MOOKERJEE: Thank you.

Harassment of people of Teknaf by Forest Officers.

140. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Forests and Excise Department been drawn to the news published in the local paper *Despriya* in its issue of the 2nd August, 1938, regarding driving away of 30 families of Teknaf in the Cox's Bazar subdivision, Chittagong, by local forest officials of Chittagong and similar oppressions practised on the poor people of Chiringa and other places?

(*b*) Has the Hon'ble Minister read the report of Babu Mahim Chandra Das, M.L.A., regarding this incident as published in the *Despriya* in its issue of the 2nd August, 1938? If so, what steps does the Hon'ble Minister propose to take in the matter?

(*c*) Will the Hon'ble Minister be pleased to state in detail the steps taken by him to save the poor villagers living about the reserve and protected forests from harassment by the forest officers?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the rates of licence for different kinds of forest produce in 1916 and the rates for the same now in vogue in Chittagong?

(*e*) What new fees on what new produces have been levied since 1916 in Chittagong? Will the Hon'ble Minister be pleased to lay on the table a list of the same?

(*f*) Will the Hon'ble Minister be pleased to state why the rates have been increased so abnormally? Is he aware that the existing increased rates have caused great hardship to the poor people? If so, does he propose to reduce them substantially? If so, from what date?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes.

(*b*) Yes. The forest villagers who were established under definite agreements to perform certain duties had to be ejected after being given eighteen months' notice as they refused to abide by the conditions of those agreements. No further steps are, therefore, considered necessary in the matter.

(*c*) All complaints of harassment are duly investigated by departmental officers and persons at fault are suitably dealt with.

(*d*) A copy of the statement is laid in the Library.

(*e*) Royalty at the rate of anna 1 and pies six only per bundle on creepers and betel stems.

(*f*) This is a matter of opinion but Government do not consider the rates abnormally high or that the existing rates cause hardship to the local people.

QUESTIONS AND ANSWERS

for the Current Session.

Accommodation for the Muslim students of Dacca University.

1. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Education Department kindly state if the existing Muslim Hall of the Dacca University cannot accommodate all the Muslim students who wish to reside in the Hall?

(*b*) Is it a fact that both the Court and the Executive Council of the Dacca University have recommended establishment of another Hall for the Muslim students?

(c) What steps, if any, do the Government contemplate to take for giving effect to the resolution of the University for the establishment of another additional Muslim Hall?

(d) Do the Government propose to make necessary contribution for the construction of another Hall from the surplus of current year's Budget?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (a) and (b) Yes.

(c) and (d) Government have decided to give a grant to enable the University to construct another Muslim Hall for Muslim students and necessary funds for this purpose are being provided in the Budget.

Death of an ex-detenu, Sj. Amulya Kumar Majumdar.

2. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is a fact that Sj. Amulya Kumar Majumdar of Berhampore, a released detenu, committed suicide on the 4th October, by hanging himself in his bedroom;

(b) whether acute financial stringency is alleged to be the cause of this suicide;

(c) whether Government was promise-bound to give allowances to the released detenus for at least six months after their release;

(d) if so, whether such allowance was granted to this detenu;

(e) if not, why it was not granted;

(f) when he was released;

(g) how many released detenus since April, 1937, have committed suicide; and

(h) what are their names and addresses?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Government have seen a Press report to that effect.

(b) Government have no information.

(c) No.

(d) to (f) The deceased was sent to the Gouripore Industrial Training Camp in February, 1936, where he received training in the manufacture of umbrellas and was released in October, 1936, on completion of his training. He with three others formed a group, and were given a loan of Rs. 6,760 by Government to set them up in business.

(g) and (h) I regret that the information is not available.

Separation of Judicial and Executive functions.

3. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he has taken any step to separate Judicial and Executive functions in Bengal?

(*b*) If not, why no step has yet been taken in this matter?

(*c*) Is the Government aware that there is a great demand in the country for the separation of Judicial and Executive functions?

(*d*) Is the Government contemplating to take any step, at least on the line of the United Provinces, to separate Judicial and Executive functions by way of experiment? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) I am not aware of such a demand. On the contrary my information is that the subject is still regarded as highly controversial if only by reason of the increased expenditure involved.

(*d*) I have no cognisance of experiments conducted or proposed elsewhere, but I shall be very happy to study any information which the honourable member is good enough to place before me on the subject.

Political convict Sj. Ambika Charan Chakraverti.

4. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the political convict Sj. Ambika Charan Chakraverti of Chittagong Armoury Raid Case is suffering from tuberculosis, diabetes and indigestion?

(*b*) Is it a fact that for some time past the said Ambika Babu is also bleeding by the nose?

(*c*) Is it a fact that his state of health is very serious and that he is hovering between life and death?

(*d*) Do Government propose to set him free without any further delay? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) He is a suspected case of tuberculosis, at present quiescent, and also has symptoms of diabetes.

(*b*) and (*c*) No.

(*d*) In view of the answer to (*c*) above, his case will be placed before the Advisory Committee with others in due course.

Female political prisoners in Bengal Jails.

5. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to give the number and a list of the female political prisoners in Bengal jails?

(*b*) Does the Government propose to make any special consideration in respect of those prisoners regarding their release and remission of the remaining term of their sentence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) If the hon'ble member refers to persons convicted of offences connected with the terrorist movement, there are 5 female prisoners. I am not prepared to publish the names.

(*b*) Their cases will be placed before the Advisory Committee in due course.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if the cases of these women prisoners would be specially considered apart from the consideration of the cases of all other political prisoners which have been placed before the Advisory Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter is now under the consideration of the Advisory Committee and the Government will await their recommendations.

Mr. KAMINI KUMAR DUTTA: Have the cases of the female prisoners been actually placed before the Advisory Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: The cases of all the prisoners convicted of terrorist crimes will be placed before the Advisory Committee.

Mr. KAMINI KUMAR DUTTA: My question was if their cases have already been placed before the Advisory Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will appear in due course, and if it has not been put, it will be put before them.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to give any approximate idea of the time within which we can expect their cases to be placed before the Advisory Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am very sorry, as far as this question is concerned, they will come in the order in which the Advisory Committee takes up their cases. It has nothing to do with the Government. Now the entire matter is before the Advisory Committee.

Mr. PRESIDENT: The Hon'ble Minister has made it clear that all the cases have been put before the Committee. They are considering the matter; it is now in their hands.

Water-supply in the countryside.

6. Khan Bahadur SAYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the system of solving the water-supply problem by granting loans to District Boards is not being appreciated by the people of the countryside?

(*b*) Is he also aware that the funds at the disposal of the District Boards are barely sufficient to keep the sources of water-supply in proper state of repairs?

(*c*) Is he also aware that the District Boards after spending on repair works are unable to repay the loan incurred for new works without seriously dislocating their other important works?

(*d*) Is the Hon'ble Minister aware that the supply of pure drinking water is a primary need of the rural area?

(*e*) Does the Hon'ble Minister propose to establish a water-supply fund for financing excavation of tanks and sinking of wells for solving the water-supply problem once for all, after drawing up a scheme for every district?

(*f*) If the reply to (*a*) be in the affirmative, does the Hon'ble Minister propose to direct the District Boards not to realise any contribution from the poverty-stricken people of rural areas for sinking tube-wells?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Local Self-Government Department): (*a*) No. Government have however recently discussed the question of loan policy in a Conference of Chairmen of District Boards and are considering suitable action in the matter.

(*b*) and (*c*) No. But Government are aware of the generally inelastic character of the resources of District Boards.

(*d*) Yes.

(*e*) and (*f*) Government have under consideration the drawing up of a comprehensive scheme and the mode of financing it with a view to solving the rural water-supply problem. While the principle underlying local contribution is sound, Government have advised local officers, in distributing grants from provincial revenues, to grant exemption very liberally wherever needed. The matter is under further consideration.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister consider if similar instructions can be issued in respect of water-supply loans given to District Boards?

The Hon'ble Mr. H. S. SUHRAWARDY: Is the hon'ble member suggesting that instructions should be given to somebody by the Government that where a District Board is unable to pay any charges——.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, but when the contribution is not available from the local people the District Board makes full contribution, because there is a condition attached to these local schemes that contribution must be forthcoming from the public. So, as in the case of provincial revenues, you have stated here that the Government have advised local officers in distributing grants from provincial revenues and to grant exemption very liberally whenever needed. Has any similar advice been given to the District Boards to exempt contributions?

The Hon'ble Mr. H. S. SUHRAWARDY: I understood from the conference of the Chairmen of District Boards that they followed this policy and in distributing their money they did not always insist on a local subscription.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: District Boards are very anxious not to insist on this, but the thing is that with the Government this is a condition precedent to the loan, and so they are afraid of the Government coming down upon them. Will the Government send out orders similar to what have been given in regard to provincial grants?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall look into this matter, Sir.

Development of various industries in the Province.

7. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state what steps he has taken for the development of various industries in the Province on a planned scale?

(*b*) What measures does he propose to take in future for the development of industries in Bengal on a large scale?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I would request the hon'ble member to wait until the demand under the major head "43—Industries" is moved when I shall make a full statement outlining what has been done and what is proposed to be done in the matter of development of industries in this Province.

Grant for road repair in Jiaganj-Azimganj Municipality.

8. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if a memorial had been received from the Chairman, Jiaganj-Azimganj Municipality, praying for a special grant of Rs. 2,000 only to repair the roads damaged by the recent flood?

(*b*) Is it a fact that the said Chairman has assured the Government of raising Rs. 8,000 from the public to augment the fund and to place the same at the disposal of the Government?

(*c*) If so, will the Hon'ble Minister be pleased to state what decision has been taken by the Government on the said proposal?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) On behalf of the people of the locality, the Chairman has promised the sum of Rs. 8,000 as a contribution to the cost of protective work, which, he suggests, should be done at the expense of the tax-payers of the Province.

(*c*) The Municipality has received the share of the proceeds of the Motor Vehicles Tax for 1937-1938 to which it is entitled according to the fixed principle governing the distribution of these proceeds among local bodies throughout the Province. I am sorry it is not possible to make a grant from the Provincial Reserve, but I shall carefully examine any proposal that the Municipality may make, to utilise the whole or a portion of the next ordinary grant on special repairs to roads necessitated by last year's flood.

Mr. PRESIDENT: Before we take up the Order Paper of the day, I would like to congratulate, on behalf of this House, Khan Bahadur S. Fazal Ellahi on his appointment as the Sheriff of Calcutta.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, Sir, it is prayer time, and the House may adjourn now.

Mr. PRESIDENT: The House now stands adjourned for fifteen minutes for prayer.

Adjournment.

(The House at this stage stood adjourned for fifteen minutes for prayer.)

(The House assembled at 4-45 after the prayer adjournment.)

Panel of Chairmen.

Mr. PRESIDENT: Under rule 3 of the Bengal Legislative Council Rules, I nominate—

(1) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,

(2) Sir Edward C. Benthall,

(3) Mr. Kamini Kumar Dutta, and

(4) Begum Hamida Momin,

on the Panel of Chairmen for the current session.

Committee of Petitions.

Mr. PRESIDENT: On the Committee of Petitions, I nominate—

(1) Mr. Hamidul Huq Choudhury, the Deputy President, as the Chairman,

(2) Khan Sahib Abdul Hamid Chowdhury,

(3) Rai Bahadur Surendra Narayan Sinha,

(4) Mr. E. C. Ormond, and

(5) Mr. Sachindra Narayan Sanyal.

Governor's Assent to Bills.

Mr. PRESIDENT: I may inform the hon'ble members that the following Bill passed by both the Chambers of the Bengal Legislature has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935:—

The Calcutta Official Receiver's Bill, 1938.

The Deputy President will now present his Report of the Committee of Privileges.

Report of the Committee of Privileges.

Mr. HAMIDUL HUQ CHOWDHURY: I beg to present the third Report of the Committee of Privileges, a copy of which has been already placed before the House.

Messages from the Bengal Legislative Assembly.

Mr. PRESIDENT: Will the Secretary please read the messages from the Assembly regarding Bills passed by that House and sent to this House?

SECRETARY to the COUNCIL (Mr. K. N. Mazumdar): Sir, the following messages have been received from the Secretary of the Legislative Assembly:—

1. "In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly on the 19th August, 1938, together with 150 spare copies of the Bill, and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was referred to a Select Committee of the Assembly before it was passed. I am further to state that the Bengal Tanks Improvement Bill, 1938, was sponsored by the Minister in charge of the Revenue Department."

2. "In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Dentists Bill, 1938, as passed by the Assembly on the 17th August, 1938, together with 150 spare copies of the Bill, and to state, for the purposes of Rules 36 of the Bengal Legislative Council Rules, that the Bill was referred to a Select Committee of the Assembly before it was passed. I am further to state that the Bengal Dentists Bill, 1938, was sponsored by the Minister in charge of the Public Health and Local Self-Government Department."

3. "In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Maternity Benefit Bill, 1938, as passed by the Assembly on the 22nd August, 1938, together with 150 spare copies of the Bill, and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was referred to a Select Committee of the Assembly before it was passed. I am further to state that the Bengal Maternity Benefit Bill, 1938, was sponsored by the Minister in charge of the Department of Commerce and Labour."

Laying of Bills passed by the Assembly on the table of the House.

SECRETARY to the COUNCIL (Mr. K. N. Mazumdar): Sir, I herewith lay on the table the following Bills which have been passed by the Bengal Legislative Assembly at its meeing held on the 19th August, 1938, 17th August, 1938, and 22nd August, 1938, respectively, namely:—

(1) The Bengal Tank Improvement Bill, 1938,

(2) The Bengal Dentists' Bill, 1938,

(3) The Bengal Maternity Benefit Bill, 1938.

Amendments to non-official Bills.

The Hon'ble Nawab Khwaja HABIBULLA Bahadur, of Dacca: Sir, I have the honour to give you notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Municipal Act, 1932, be referred to a Select Committee, viz.—

That the Bill be re-circulated for the purpose of eliciting opinion thereon by the 31st October, 1939.

Sir, I have also the honour to give you notice that I desire to move in the next session of the Bengal Legislative Council the following amendment to Mr. Humayun Kabir, M.L.C.'s motion that his Bill for the amendment of the Bengal Local Self-Government Act, 1885, be referred to a Select Committee, viz.—

That the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st October, 1939.

Sir, I have also the honour to give you notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Hamidul Huq Choudhury, M.L.C.'s motion that

his Bill for the amendment of the Bengal Village Self-Government Act, 1919, be referred to a Select Committee, viz.,—

That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st October, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have the honour to give you notice that I shall move the following motions in the current session of the Bengal Legislative Council, viz.,—

(1) that the Bengal Dentists' Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration; and

(2) the Bill as settled in the Council be passed.

Sir, I have also the honour to give you notice that I shall move the following motions at the next session of the Bengal Legislative Council, viz.,—

(1) that the Bengal Maternity Benefit Bill, 1938, as passed by the Bengal Legislative Assembly on the 22nd August, 1938, be taken into consideration; and

(2) that the said Bill as settled in Council be passed.

Sir, I have also the honour to give notice of the following amendment to the Bengal Shop Prices and Regulation Bill, 1938, of Mr. Humayun Kabir, namely, that the Bill be circulated for eliciting public opinion thereon by the 31st October, 1939.

Sir, I have also the honour to give notice that I shall move in the current session of the Bengal Legislative Council that the Bengal Shop Hours and Shop Assistants Bill, 1938, by Mr. Humayun Kabir, M.L.C., be circulated for eliciting public opinion thereon by the 30th June, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that I shall move at the meeting of the Bengal Legislative Council to be held on the 10th February, 1939, that the Bengal Tenancy (Second Amendment) Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration and that the same be passed as settled in the Council.

Sir, I have also the honour to give notice that I shall move at the meeting of the Bengal Legislative Council to be held on the 10th February, 1939, that the Bengal Rates of Interest Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration and that the same be passed as settled in Council.

Government Resolution.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on behalf of the Hon'ble Mr. Tamizuddin Khan, I have the honour to give notice that he desires to move in the current session of the Bengal Legislative Council the following resolution in accordance with the provisions of section 103 of the Government of India Act, 1935, viz., "that this Council do resolve that it is desirable that—

(1) trade and commerce within the province in drugs, medicines and biological products;

(2) the production, supply and distribution of drugs, medicines and biological products;

(3) the adulteration of drugs, medicines and biological products;

(4) fees in respect of the matters mentioned in clauses (1) to (3);

(5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4);

(6) offences against laws with respect to the matters mentioned in clauses (1) to (5); and

(7) jurisdiction and powers of courts with respect to the matters mentioned in clauses (1) to (6);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature.

Non-official Resolutions.

Mr. PRESIDENT: Order, order. The House will now take up Non-official Resolutions. Khan Bahadur Muhammad Asaf Khan will now move his resolution.

Khan Bahadur MUHAMMAD ASAF KHAN: Sir, I beg to move that this Council is of opinion that the clerks, draftsmen, process-servers and orderlies of the Settlement Department who have been recently discharged or are shortly going to be discharged on account of stoppage of the District Settlement Operations, should be given employment in permanent offices of Government in preference to new recruits, until all of them who are fit to work are absorbed in such offices; and those who are incapable of rendering further service, but have rendered faithful service for more than a year, should be given gratuity of one month's pay for every year of service.

Mr. President, Sir, the Settlement Operation in Bengal having been completed and the District Revisional Operation having been dropped, thousands of employees (including clerks, draftsmen and process-servers) of the Department have been rendered helpless. Most of these employees rendered faithful and loyal services to the Government for the best part of their lives, and are now going to be thrown out of employment without any fault of their own.

These employees are ill-paid and have no benefit of Contributory Provident Fund, gratuity or the like in *lieu* of pension. It is indeed hard for them to make both ends meet with their small remuneration. These employees had to work strenuously in the sun and in the rain and sometimes in the most unhealthy quarters of the province where medical aid was not easily available, nor could they enjoy any kind of holidays or leave worth the name. It is a well-known fact that some of them even died, due to over-exertion, both physical and mental, during their term of service.

These people helped the Government in the preparation of the record-of-rights and in various other ways. It is a pity that in spite of all these facts they are now going to be thrown overboard without any provision upon which they can fall back.

There is no dearth of young, educated, active, experienced and capable hands in this department who can, if Government so desired, be easily provided for in the district offices and civil courts, as well as in the offices subordinate to them. It is understood that the Government were pleased to issue circular letters to the Collectors to fix up these men in the district offices. As a result of this, a few and only a few from these people have been absorbed in the district offices. Had the Government been pleased to issue mandatory orders to the Collectors as was suggested by Khan Bahadur Maulvi S. M. Hossain, M.L.C., at the 15th Annual Conference of the Settlement Clerks' Association, most of these capable clerks could have easily been absorbed owing to the augmentation of the Collectorate clerical staff, according to the Chapman Report. It is very unfortunate that in spite of a large number of clerical appointments (approximately 338) which were made owing to the enforcement of the said report in 1938, the deserving cases of these trained and experienced hands of the Settlement Department, were not favourably considered. It may be said that Government may recruit more people, better educated from outside, but they are sure not to get such ready-made experienced hands.

I take the venture to point out that Government have not favourably and sympathetically considered even the cases of these clerks, who have been fortunately absorbed in the district offices. As old Government servants, and in accordance with article 381(*b*), rule 190 of the Survey and Settlement Manual, 1935, these people, I think, are entitled to get their existing pay or the maximum of the post where

appointed. Government were kind enough to fix up a standard rate of pay for the Settlement Kanungos, while promoted as Sub-Deputy Collectors, but they have so long overlooked the deserving cases of the other employees. It is, therefore, desirable that there should not be any differentiation in fixing the pay of Settlement Kanungos and other Settlement employees when employed in any other permanent offices. As such, there should similarly be a special consideration for the fixation of pay of the Settlement employees when appointed to other Government offices on the same precedent.

Some provision must also be made for the remaining staff, who cannot be suitably employed in other Government offices. Some of them are old who have attained the age of retirement with nothing to maintain themselves or their dependants. As no benefit of contributory provident fund was ever allowed to these employees, their sudden unemployment at this stage of life would certainly render them quite helpless. As a reward for their faithful, loyal, active and meritorious service, it undoubtedly behoves the popular Government to consider the deserving cases of these employees most sympathetically and grant them a gratuity equivalent to one month's pay for each year of service they have rendered. It will not be out of place to mention here that Government were pleased to show similar sympathy to the Settlement Kanungos who were also on similar temporary service.

As to the question where would the money come from for the gratuity to these unfortunate people, it may be reasonably urged whence would the money have come for the Revisional Operation if at the instance of the Legislature, Government would not have stopped the proceedings? It has been found that the total amount required for grant of gratuity is less than the amount that Government would have spent in one year for the continuance of Revisional Operations. I may point out here that Government realised about 25 lakhs of rupees in excess as Settlement cost, from the various District Settlements and even a part of this amount would be quite sufficient to meet the requirements of these employees and to make provisions for them. Hence the question of paucity of money cannot arise.

With these few remarks I beg to move the resolution and commend it to the sympathetic consideration of the hon'ble members of this House.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that the clerks, draftsmen, process-servers and orderlies of the Settlement Department who have been recently discharged or are shortly going to be discharged on account of stoppage of the District Settlement Operations, should be given employment in permanent offices of Government in preference to new recruits until all of them

who are fit to work are absorbed in such offices and those who are incapable of rendering further service, but have rendered faithful service for more than a year should be given gratuity of one month's pay for every year of service.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that for the words "in preference to new recruits until all of them", the words "as far as possible" be substituted.

I also beg to move that for the words "one month's pay for every year of service" the words "of such suitable sum as Government think reasonable" be substituted.

Mr. President, Sir, in moving these amendments I think I have very little to say about the reasonableness and weight of these amendments. At the same time I must make my position clear that I am in sympathy with these employees. There is one fundamental principle which has actuated me to move these amendments. Sir, it is my humble opinion that by this resolution we are going to ask our elected Ministers, responsible Ministers, to do something which may not be agreeable to them and which under the circumstances they may not be in a position to give effect to. Mr. President, it is a known fact that every servant of His Majesty holds his service during His Majesty's pleasure and the Government has got every right to dispense with his services, if occasion arises. If we accept this resolution *in toto* that wherever any temporary servant is dismissed, he will have a lien on being appointed to a permanent service, I think it will not be good for the future administration of this province, and it will also have a bad effect. If we close the door to new recruits, it will be a discouragement to new recruitment. There may be some candidates who are better qualified whom the Hon'ble Ministers may want to appoint, but in view of the resolution they might be forced to appoint men of lesser qualification and lesser efficiency. In which case, the administration will suffer. My humble submission is that if this Council lay down any fixed procedure, it will be for the hon'ble members of this House to consider how far it will be reasonable. So, my suggestion is to leave the whole matter to the decision of the Hon'ble Ministers.

The second reason is that we must not do anything which would place any burden upon the revenues of the province at the cost of the nation-building departments. We do not know what will be the total amount which will be required for this purpose. It may be a bigger sum or a smaller sum, but we must not fix any limits for the same. Our Ministers are the elected representatives; they are responsible, and we should ask them to do everything themselves. With these few words, I commend the amendments moved by me for the acceptance of the House.

Mr. PRESIDENT: Amendments moved: 'that for the words "in preference to new recruits until all of them" the words "as far as possible" be substituted.

The next one is that for the words "one month's pay for every year of service" the words "of such suitable sum as Government think reasonable" be substituted.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President. Sir, as one of the several members of this House who gave notice for the very same resolution which has just been moved by our esteemed colleague Khan Bahadur Muhammad Asaf Khan, it is quite natural that I should feel inclined to rise and speak in support of the same. Sir, as a result of stoppage of the District Settlement Operations and in view of the Government decision to abandon this scheme for revisional operations, the staff and the menials consisting of clerks, draftsmen, process-servers and orderlies of the Settlement Department have either already been thrown out of employment or are about to be discharged after a very long period of their loyal and faithful service to the Government. These employees with their small pay just sufficient for a living wage could not save anything to stand upon with their families after their discharge, and as such their pitiable plight can better be imagined than described. The resolution under consideration is nothing but a recommendation to the Government for adopting ways and means to mitigate their hardships in their distress. This recommendation is divided into two parts: firstly, to absorb all these discharged hands who are still fit for work by providing them in various departments of Government, such as the collectorates, *khas mahals*, court of wards, debt settlement offices, rural development and reconstruction works, co-operative societies and similar other departments; secondly, to allow those employees who have put in more than one year's service, but who probably on the ground of advanced age cannot be considered fit for further appointment, a gratuity of one month's pay for each year of service. It will not be out of place to mention here in this connection that similar non-pensionable services under public bodies, such as, Railways, District Boards, Calcutta Improvement Trust are remunerated by contributions to the employees' provident funds over and above gratuities to them. In this connection, I think that before I conclude I should briefly deal with the financial implications of the second part of the resolution. My first submission is that it is obvious that the demand under the second part may be more and more reduced by more and more absorption of these discharged hands into permanent service as recommended by the first part of the resolution. Then, Sir, having regard, firstly, to the abnormal enhancement in the land revenue of about 13 lakhs of rupees per year and, secondly, to the normal excess recovery of the settlement costs both from the landlords and the tenants of over 25 lakhs of rupees in districts already finished in settlement,

which is the direct result of the settlement operations and to which these poor and uncared-for employees of that department have a great claim—I mean a legitimate claim—I make bold to assert that the demand made in the second part of the resolution is neither absurd nor abnormal, nor unreasonable, but is a very moderate one. For these figures, Sir, I stand upon two statements made by the Government on the 9th of August and the 16th of August, 1937, in reply to two interpellations, their number being 67 and 226, respectively. So, if I stand upon the statement made by the Government, they will not venture to challenge the accuracy of these figures. I shall go further; it appears from the statement supplied by the Government that out of 26 districts—they could gather at the time of giving this reply figures in respect of 20 districts only—as regards Malda, the accounts had not till then been adjusted; as regards Rangpur, Dinajpur, Howrah, Burdwan and Hooghly, the operations were still in progress. So, if the figure is calculated just at the present moment, this excess recovery would be far in excess of the amount shown in the statement. Under the circumstances just stated by me, I feel sorry that I cannot see eye to eye with my esteemed friend Mr. Nur Ahmed, and I cannot see my way to support the amendments so ably moved by him, when Government has been the gainer by the direct result of the settlement operations in respect both of the permanent income and excess recovery of costs, they should not oppose this resolution, if only in consideration of the woeful condition to which these low paid officers will be put or have been already put by their discharge. As regards the point raised by my friend Mr. Nur Ahmed, that the hands of the Government should not be tied in the matter of appointments, I do not see any logic or force in his argument. If Government are required to make any appointment, I do not see any harm if they draw recruits out of hands who are or were already in Government service—no matter whether on a permanent basis or a temporary basis. With these few words, I lend my whole-hearted support to the resolution now under consideration and I commend it to the acceptance of the House.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I whole-heartedly support the resolution moved by Khan Bahadur Muhammad Asaf Khan. Sir, there are only three things to be considered in connection with this resolution. The first thing is whether the consideration proposed to be shown in the resolution is a reasonable one, secondly, whether there is anything that stands against the acceptance of this resolution, and thirdly, whether there is any financial difficulty involved in the acceptance of this resolution. Sir, as regards the reasonableness of the consideration proposed to be shown to the discharged hands of the Settlement Department, I think Government had practically

accepted the proposition that these men do deserve consideration when they accepted the resolution in respect to the discharge of the Settlement Kanungos. In the case of the Kanungos, they had a Provident Fund, whereas these clerks had not even a Provident Fund and they were low paid; not only were there clerks among the discharged hands, but there were also menials, peons and others who had rendered good service and done good work. We want to support only those who have done good work; those who are found not to have done good work, they certainly could not be shown any favour. We want favour to be shown and reasonable consideration should be shown to those only who have done good work and have a good record of service. My friend Mr. Nur Ahmed has said that it might affect the efficiency of the service, if the hands of the Collectors were tied and if they were to give appointments to all these men in preference to new recruits. But I say that when the Collectors will be giving appointments to those men only who have proved their ability and got experience behind them, they will be certainly better men than those new recruits whom the Collectors would otherwise recruit. I think, therefore, that the objection of my friend does not hold good. The other objection put forward by my friend is that by giving gratuities to men of this class, Government will be accepting the principle of granting gratuities to all temporary hands. I say, Sir, that a civilized Government should know that they must make some provision when they find that they have to throw a number of men out of employment. Even this Government is contemplating, I understand, to induce private firms to make contributions to Provident Funds for their employees, when they are discharged, or thrown out of employ. But, Sir, Government themselves too, should in that case, show by example that they feel for their own employees as much as they want these firms to feel for theirs. If the Government make it a rule that in the case of all temporary hands they will deduct from the very beginning a certain amount from their pay for their Provident Fund, if they go on deducting something from their pay towards their Provident Fund and if they themselves contribute a small amount to this Provident Fund, then this question of gratuity cannot arise at all. So, I say, it will not be setting a bad example but a good example, and the Government will be benefited by it as they will realise that in future they must have a rule for contributing to the Provident Fund even for temporary hands; so that whenever they are discharged they will not be absolutely thrown into the streets, and be obliged to beg their livelihood like vagrants. Then, the question is—is there anything against according acceptance to this resolution? I say, Sir, there is nothing against it—and there cannot be anything which stands against accepting this resolution. In the first place, it has been made so moderate, because at the very first instance it has been said that those who have not been found able and up to the mark will not be absorbed into other offices, those who have

not sufficient qualifications will not be absorbed in other offices. Others need not be absorbed at all. So, all that is wanted in respect of these men, is that only those who have rendered good and approved service should be given a gratuity to the extent of one month's pay—that is not very much—for every year of their service. So I say that there cannot be anything which stands against it. The only consideration is the third consideration, namely, whether financial considerations stand against the acceptance of this resolution. My reply will be that the Settlement Operations were stopped at the request of some members of this Legislature, who did not want it. If the Settlement Operations had gone on, Government would be spending about ten lakhs annually over this matter, and out of this about two lakhs would be Government's contribution alone. I am sure the Legislature would not mind this, and I am sure my friend also will not mind these few lakhs of rupees for a few years only being contributed by Government for the maintenance of the families of these employees who are, as a result of their own action, going to be thrown out of employment altogether. So, I think a humane Government ought to show some consideration to their own discharged hands, specially those who are poor and who deserve more help. If this resolution is not accepted in a sympathetic spirit, the idea will go round to the people that the Government are only for the rich who are able to stand on their own legs, and that they do not want to raise their little fingers to help poor people who really deserve help. These people, Sir, do really deserve help, and this resolution should be accepted readily. If Government could spend lakhs of rupees for settlement operations in the hope of recovering the amount not now but after five years, could not the Government spend this amount for one year only for the purpose of providing maintenance for the families of their own discharged hands? With these few words, Sir, I commend the resolution to the acceptance of the House.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, there is a similar motion standing in my name, No. 5 on the agenda, with the difference that the motion that is now under discussion affects only certain class of employees while my motion affects one class, that is compositors whose case has not been included in this motion. Still as the principle of the motion that is now before us is the same as that of mine, I would just like to say a few words.

Sir, the speech delivered by the mover of the motion discloses a cruel state of things in Government service. Can we imagine, Sir, that these clerks, process-servers, these poor people for whom the whole Congress is fighting and I suppose the Government in the past fought, —these people are employed in Government service for 10, 15 or 25 years without any provision of any kind such as gratuity, provident fund or pension? Why? In other branches of Government service

also, in the Bengal Government Press, as the Hon'ble Finance Minister is aware, they had a similar state of affairs. They worked from day to day for years, but there was no provision for them if they were discharged. There was absolutely no provision whatsoever, but these people made matters hot for the retiring Government and things improved. I hope, Sir, this Council could make matters easier for the Ministry to accept the principle that those who are discharged should be paid gratuity as Mr. Marr has declared in this Council, one month's pay for each year's service. Mr. Marr, the Finance Member in the Council Chamber on the 18th August, 1928, made a declaration that in respect of certain employees discharged after some years' service one month's pay for each year's service should be paid to him as gratuity, and I hope this was acted upon? I give the Hon'ble Minister the date of this statement made by Mr. Marr, namely, 18th August, 1928. I have got the printed pamphlet which was circulated to us.

Sir, another cruel state of things is this, that these poor compositors got their payment on piece-work basis, and the piece-work rate was reduced from Rs. 1-9 to 11 annas, because these poor people had none to agitate for them. I may also mention here that these poor people were liable to lead-poisoning and I know of several cases where employees of the Bengal Government Press as well as the Government of India Press specially of the compositing section have suffered heavily, because it is one of the occupational diseases and it affects eyes and lungs, it affects the eyes and so on. Because these people made no agitation, nothing has been given to them; but instead their piece-work was reduced from Rs. 1-9 to 11 annas. Therefore, Sir, their case is very strong. I do think, Sir, that Government should insist on all District Officers and all departments to absorb those people who are discharged and who are fit, and thus let them show to the province that surely they are not callous to the people who spend the best part of their lives for Government in the mofussil and suffering from all sort of diseases. Their cases must be considered and in view of Mr. Marr's statement, one month's pay for one year's service must be given.

Khan Bahadur ATAUR RAHMAN: Sir, may we have your permission to include resolution No. 7 in this resolution and consider them together so that matters will be easier?

Mr. PRESIDENT: No. 7 has not been moved.

Khan Bahadur ATAUR RAHMAN: May we have your permission to combine these resolutions into one? The subject is the same. "Compositors" may be added.

Mr. PRESIDENT: If the subject-matter is the same, the passing of this resolution will bar that resolution.

Khan Bahadur ATAUR RAHMAN: Sir, already the previous speaker has spoken on this resolution. I stand simply to say that I had the closest association with these people from the very beginning of my service, and I know what a miserable life they have to live in the remotest parts of the province. Even the hackney-carriage horses have got some rest, but there is no rest for these men when they work in camps. They have to work practically whole night some times, living in cow-sheds, sometimes under trees. Is it fair on the part of a civilized Government, a Government represented by the people, to throw them away at the fag-end of their lives without some provision when they are unfit to work anywhere else? So, as has been said before, those men who are unfit for any more work should be given some gratuity.

As to the men who are fit I can testify as to their capacity, because in other departments, I recruited seven or eight men and they have proved more than successful, much better than new recruits, raw graduates or matrics fresh from the schools. So these experienced men should not be thrown away. It will not be difficult for the Government to provide them if they really intend to do so. Recently Chapman's Report made a provision for over three hundred men of which out of these people only twenty-one men were taken. I am sure there must have been much more men than twenty-one fit to be recruited for these vacancies. Even Government never thought of any contributory provident fund as has been said by my friend Khan Bahadur Saiyed Muazzamuddin Hosain. How Government can compel private employers, the mill-owners, the factory owners, the banks, the Corporation and Improvement Trusts and other private and local bodies to inaugurate these provident funds unless Government show the way?

It will not be a very huge sum to give gratuity, nor will it be difficult to absorb them. Of course it is not possible to absorb them all at once, but I am sure if Government have got any will to do so, they will be able to provide them somehow gradually. These people worked hard for the preparation of the valuable settlement record to which we always refer, and it is admitted by all hands that the settlement record is very valuable for district administration. It is, therefore, very desirable that these poor men should receive some sympathetic consideration from the revenues of the province.

In reply to my question which has been referred to by my friend Mr. Abdul Hamid Chowdhury, Government admitted about Rs. 25 lakhs excess collection and it will be much more when the final report of other districts are completed. A sum of Rs. 6 to 8 lakhs ultimately will be required if the gratuity is granted to these people. I would urge and request all our colleagues in this House to support this resolution which is most humane.

Mr. KADER BAKSH: Sir, I rise to say a few words in support of the resolution. As settlement operation is going on in our district, I have got some personal knowledge about the utility of these people and of the work which they carry on. Sir, it is not for me to find out money, and it is not for me also to give them services. Now, Sir, the amount of work which they have been made to do and the hardship to which they have been put, and the useful work which they have rendered to the province as a whole by bringing up all the interests of cultivators of the province on an up-to-date basis have led to improvements in the administration of the province. I have seen with my own eyes the amount of hardship they have been put to. So, Sir, I am in sympathy with these people and I shall be failing in my duty if I do not lend my support to the resolution which has been moved by Khan Bahadur Muhammad Asaf Khan and to oppose the amendments which have been moved by Mr. Nur Ahmad.

Now, Sir, it is not only 27 lakhs of rupees which is in deposit, but there is a bigger amount deposited on their behalf. Some times past a suggestion was made to make the services of the Kanungos pensionable and some extra amount was kept for them. I heard that as much as about Rs. 37 lakhs or more were in store to help these people in times of need. Assurances were given to them that their cases will not be neglected and their posts will be made pensionable. Nothing has been done up till now. Whatever that may be, whether it has been made pensionable or not, when there is an amount which is due to the labour of these people, why should we grudge this amount to be given to them. One month's salary for each year's service is not a very big amount, and if the amount is there which can be utilized for the purpose of giving this, why should we grudge? It is not an amount which will be drawn from the annual revenues of the province, but there the amount is lying still. It is lying with the Government of India in deposit on account of excess recovery costs. My friend has given you the figures from the report of 1937. There is an extra amount exceeding Rs. 27 lakhs, as excess recovery cost that was really realised. If there be any excess, where should the excess go. If the excess had been due to the labour of these people, why should it not go to them in times of their distress when these people are as a class going to be thrown out of employment, discharged from service without any hope before them, without anything to fall upon in their bad days.

Now, Sir, in the Dinajpur district I have seen people coming to M.L.As. and also M.L.C's. day and night with very weary faces, being disappointed, disheartened on account of the news that the settlement operations will be stopped. We know how these people live in a wretched condition. They have not been able to save anything for their future maintenance. If there is any amount as my friend

Khan Sahib Abdul Hamid Chowdhury has said, why should we grudge? Government should not grudge. Sir, I whole-heartedly support the resolution of Khan Bahadur Asaf Khan and oppose the amendments of Mr. Nur Ahmad.

Mr. PRESIDENT: Order, order. It has been intimated to me by non-official members that they do not like to sit after the prayer time to-day. I would like to follow the convention of consulting the convenience of non-official members on non-official days and that of the members of the Treasury Benches on official days.

The House now stands adjourned till 3-30 p.m. to-morrow.

Adjournment.

The Council then adjourned till 3-30 p.m. on Thursday the 9th February, 1939.

Members absent:

The following members were absent from the meeting held on the 8th February, 1939: —

(1) Rai Bahadur Keshab Chandra Banerjee
(2) Mr. Mohamed Hossain.
(3) Alhaj Khan Bahadur Sheikh Muhammad Jan.
(4) Maulana Muhammad Akram Khan
(5) Mr. H. P. Poddar.
(6) Rai Sahib Jatindra Mohan Sen.
(7) Rai Bahadur Satish Chandra Mukherjee.

B. G. Press—1938-39—12178A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 9th February, 1939, at 3-30 p.m. being the second day of the February-March Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Mr. PRESIDENT: We will now take up the questions of the 8th February, from where we stopped yesterday.

Road Development.

9. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what is the total balance of money received by the Government of Bengal from the Central Road Development Fund and the sum remaining unspent—when this question is answered?

(*b*) What is the total unspent balance of money sanctioned by the Bengal Government out of its own resources for road work?

(*c*) Was a Special Officer appointed by the Government for preparation and expansion of road programme for Bengal? If so, what is his name and pay and when was he appointed?

(*d*) Is the Special Officer, appointed, a non-Bengali? If so, why was not a competent Bengali, interested in the road development of his own Province, appointed?

(*e*) Is Government aware that there are three very important roads, viz.—

(*i*) Comilla-Companyganj Road,

(*ii*) Companyganj-Nabinagar Road and

(*iii*) Brahmanbaria-Chunta Road,

which pass through the interior of the district of Tippera where there is no railway and are very extensively used by the public?

(*f*) Is it not a fact that these are *katcha* roads and is Government aware that they urgently require development in the shape of metalled, pitched roads for speedy transit and traffic and for expansion of internal trade and commerce of the district?

(*g*) Is Government aware that in the Comilla-Companyganj and Brahmanbaria-Chunta Roads, there are no spill areas requiring construction of bridges?

(*h*) Does the Government propose to include those roads in their schemes of road development in Bengal and carry those schemes into execution in the near future?

(*i*) If not, will the Hon'ble Minister be pleased to state the grounds of refusal for improving them?

(*j*) Since the inauguration of provincial autonomy how many schemes of road development were undertaken and actually executed? What has been the total amount of money spent therefor? Of the sum so spent, how much was devoted to West Bengal and how much to East Bengal?

(*k*) (*i*) Since the inauguration of the new constitution, how many new schemes of road works and in what districts were taken in hand and in how many cases the works were started but not yet finished?

(*ii*) What is the total estimated amount for the same?

(*iii*) Within how many years are these works likely to be finished?

(*l*) Is there any special organisation to make better and rapid progress with the road works? Will the Hon'ble Minister be pleased to give an idea of that organisation, if any such exists?

(*m*) What arrangements have been made with the Government of India to expedite sanction of schemes for road works?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) For reasons which I think the House will not call on me to elaborate it is not possible for me to give figures of receipts and expenditure up to to-day. The total amount received from the Government of India up to the end of the year 1937-38 was Rs. 1,07,61,488 against which we spent Rs. 75,23,276 up to the 31st March last. From then until the 31st December, 1938, the expenditure was about Rs. 8 lakhs so that the balance was about Rs. 24 lakhs. In addition, we expect to get from the Central Government about Rs. 15,85,000 which they withheld from us at the time of the last distribution.

(*b*) The Province is not at present spending money from Provincial Revenues on any original road work but maintenance costing about Rs. 18¼ lakhs annually is being done.

(*c*) Mr. A. J. King was appointed in 1934 to consider a comprehensive scheme and prepare a report on a road development programme for the Province. His pay was what he would have drawn if he had been employed on normal duty in the department.

In April, 1938, Mr. J. A. Stein, Superintending Engineer, was appointed to expedite the Road Fund works. His pay is Rs. 2,150 which is his pay as a Superintending Engineer.

(*d*) Both these officers are non-Bengalis. They were appointed because they were considered to be the most suitable officers available.

(*e*) Yes.

(*f*) Government do not consider that the three roads mentioned call for development more urgently than many other roads in the Province.

(*g*) The question has not yet been considered as there is no proposal at present to improve these roads.

(*h*) Of the three roads mentioned the first is not included in Mr. King's comprehensive programme. The other two are included.

(*i*) There are many other claims in the Province. The second road mentioned by the hon'ble member, which has been classified by Mr. King as a trunk road, and also the third road will be considered along with other projects in due course.

(*j*) (*k*) (*i*) and (*ii*) Since the inauguration of the new constitution no new schemes have been undertaken and executed. Eight schemes have been sanctioned, the estimated cost of these being Rs. 39,64,120. Of this figure, Rs. 29,82,000 is for Eastern Bengal, Rs. 9,63,500 for Western Bengal and Rs. 18,620 for Northern Bengal.

(*k*) (*iii*) Three to four years.

(*l*) There is no special organisation, but as already stated there is a special officer at headquarters; and the staffs of Superintending Engineers have been strengthened by a few additional estimators.

(*m*) No arrangements have been made and none are considered necessary.

Aracan Road Development Scheme.

10. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if a scheme known as the Aracan Road Development Scheme for the improvement of the Aracan Road of Chittagong was sanctioned about 10 years ago and a sum of Rs. 5 lakhs was allotted for the same?

(*b*) If so, why the scheme has not been carried out so long and why the money allotted was allowed to lapse?

(*c*) Is the Government aware that the non-improvement of the Aracan Road is causing great hardship to the people of Chittagong? Does the Hon'ble Minister concerned propose to get the work completed at an early date?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) and (*b*) In 1930 the Provincial Board of Communications and the Government of India approved of a proposal to improve the bridging on the Arakan Road at an estimated cost of Rs. 5 lakhs, later on objections were raised and it was not until 1936 that a decision was arrived at as to which bridges should be constructed or reconstructed. There has been no lapse of funds.

(*c*) I am aware of the disadvantages but I am glad to say that the work is now in progress. The bridges now under construction or reconstruction will be completed in the next few months. Further minor bridges will then be reconstructed until the expenditure reaches the sanctioned figure of Rs. 5 lakhs.

Foresters and Forest Guards dismissed by Divisional Forest Officer of Chittagong.

11. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what is the total number of Foresters and Forest Guards dismissed and discharged or degraded by the present Divisional Forest Officer, Mr. N. Pal of Chittagong?

(*b*) Of this, how many are Moslems and how many non-Moslems?

(*c*) What is the number of appointments made by him in clerical and executive posts?

(*d*) Of this, how many are Moslems and how many non-Moslems?

(*e*) Is it a fact that the rate of royalties for forest produce has been doubled and trebled at his suggestion in Chittagong?

(*f*) Do the Government propose to reduce the present rates to give relief to the poor people? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) to (*d*) A statement is laid on the table.

(*e*) No.

(*f*) Government are satisfied that the existing rates are economic and compare favourably with the rates levied by private owners of forests. They do not propose to reduce them.

Statement referred to in the answer to Question No. 11.

Mr. N. Pal was Divisional Forest Officer, Chittagong Division, from 16th January, 1936, to 3rd November, 1938.

(*a*) and (*b*) The information is as follows :—

Rank.	Permanent.						Temporary.						Total.					
	Dismissed.		Discharged.		Degraded.		Dismissed.		Discharged.		Degraded.		Dismissed.		Discharged.		Degraded.	
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.
Deputy Rangers and Foresters ..	1	1	..	..	1	4	4	7	4	7	..	..	5	8	4	7	1	4
Forest Guards ..	..	8	..	1	..	..	5	5	6	3	..	..	5	13	6	4	..	..
Total ..	1	9	..	1	1	4	9	12	10	10	..	..	10	21	10	11	1	4

(*c*) and (*d*)—

	Muslim.	Non-Muslim.	Total.
Executive	241	234	475
Clerical	12	5	17
Total ..	253	239	492

N.B.—The above figures included both substantive appointments and officiating appointments in leave vacancies.

Reforestation of Rampur Ringbhaw Reserve.

12. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if a recommendation for the deforestation of the Rampur Ringbhaw Reserve of the Cox's Bazar subdivision and for the development of the same on the line of Badarkhali Co-operative Colonization Scheme has been sent to Government for the benefit of the unemployed landless cultivators?

(*b*) If so, has the Government accepted the recommendation, and if not, why not?

(*c*) Is it a fact that the deforestation of the Reserve and the development of the same on the line of the Badarkhali Colonization Scheme are expected to bring more revenue to Government?

(*d*) If so, why is the Government delaying in giving effect to this recommendation of the local officials?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Yes

(*b*) It is under the consideration of Government.

(*c*) This is being examined.

(*d*) Does not arise.

Unani and Ayurvedic systems of medicine.

13. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of Public Health and Medical Department be pleased to state what steps the Government has taken up to this date to encourage and support the Unani and the Ayurvedic systems in Bengal?

(*b*) Do the Government propose to encourage these indigenous systems in every possible way?

(*c*) Do the Government contemplate to organise a separate department of indigenous system of medicine to control all indigenous hospitals, dispensaries and pharmacies in Bengal? If not, why not?

(*d*) Do the Government propose to establish a Central Unani and Ayurvedic Board to serve as an Advisory Board and to establish a system of compulsory registration of all qualified *hakims* and *vaidyas*?

(*e*) Do the Government propose to open more Unani hospitals in rural and urban areas?

(*f*) Do the Government propose to start a Unani Laboratory to do research work connected with this system of treatment and to institute some scholarships of sufficient value for men and women to undergo a special course of training in the *Hikamat* at suitable centres?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*b*) A General Council of State Faculty of Ayurvedic Medicine has been established with a view to regularising practice and teaching and to the furtherance of the system of treatment. A similar General Council and Faculty is proposed to be established for the Unani system of treatment.

(*c*) No such proposal is under consideration at present.

(*d*) No. The State Faculties in the Ayurvedic and Unani systems of treatment will exercise the necessary control and will register qualified *raidyas* and *hakims*.

(*e*) There is no such proposal under consideration.

(*f*) No. All matters concerning the restoration and development of the Ayurvedic and Unani systems of medicine will be considered by Government after the General Council and Faculty regarding these systems have been in full working for some time.

The Bengal Water-Hyacinth Act, 1936.

14. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department kindly state whether he is aware that in the Bengal Water-Hyacinth Act, 1936, there is no provision—

(*i*) for clearance of water-hyacinth from large *bils* and *khals* by requisitioning forced labour from the villagers;

(*ii*) for assessment and recovery of cost of fences, barriers, storage ponds considered necessary for checking movement of water-hyacinth; and

(*iii*) for summary punishment by Union Benches for non-compliance with requisitions?

(*b*) Is he aware that the water-hyacinth is causing havoc in East Bengal and the Act of 1936 requires drastic amendments to make it more useful?

(*c*) Does he propose to introduce in the near future an Amending Act for effectively checking the ravages of water-hyacinth?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) Yes. As regards (*i*) and (*iii*), the idea of forced labour does not commend itself to Government nor would they agree to empowering Union Benches to enforce compliance with requisitions.

As regards (*ii*), the question of making provision in the Act for this purpose is being examined.

(*b*) I am aware of the havoc caused in East Bengal and elsewhere by water-hyacinth. The question implies that the drastic amendment of the Act would provide a remedy for the present situation. This I do not believe. I think that the real solution of the problem lies in convincing the people that by concerted voluntary action they can and must rid themselves of this pest. Attempts to eradicate water-hyacinth from *bils* and *khals* by organised voluntary labour have been successful in a number of places and there is no reason why similar action should not be successful elsewhere. Government are taking action in this matter and an All-Bengal Water-Hyacinth Week is being organised this year during which intensive efforts for simultaneous action on a voluntary organised basis in all districts of the Province will be made.

(*c*) Except in so far as the matter referred to in (*a*)(*ii*) is concerned, no amendment of the Act is contemplated.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is true that voluntary methods have been successful in particular areas, but is the Hon'ble Minister aware that it is only in areas where particular officers have taken a special interest that they have been successful?

The Hon'ble Mr. SHAMSUDDIN AHMED: May be, but all the same the question of voluntary effort remains, and I do not think that it can be successful but for voluntary effort.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But what will happen in areas where there are no officers who take a particular interest in this matter?

The Hon'ble Mr. SHAMSUDDIN AHMED: Government is not in a position to say what the state of affairs would be there.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will Government take any steps to see that something is done in those areas also?

The Hon'ble Mr. SHAMSUDDIN AHMED: As I have already stated, Government are organising a Water-hyacinth Week and after seeing the results of that experiment, Government will consider if it is necessary to make other efforts or take other steps.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With regard to the reply to clause (*c*) of the question it is said that an amendment of the Act is contemplated; will the Hon'ble Minister kindly state when this Bill is likely to be presented to this House?

The Hon'ble Mr. SHAMSUDDIN AHMED: As soon as the Bill is drafted and ready, we will present it before this House.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister aware that voluntary labour is not always available in villages which are depopulated in many cases?

The Hon'ble Mr. SHAMSUDDIN AHMED: Well, I am aware that voluntary labour is available everywhere, if men are ready to organise it on proper lines.

Mr. RANAJIT PAL CHOUDHURY: I said if men are not available in sufficient numbers.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state in what way Government propose to organise voluntary labour for this purpose?

The Hon'ble Mr. SHAMSUDDIN AHMED: Voluntary labour is voluntary labour, and Government are thinking of the manner in which voluntary labour will come forward to assist in this matter.

Mr. HUMAYUN KABIR: Are we to understand from the last answer of the Hon'ble Minister with reference to organization that the words "voluntary labour" are redundant in this answer?

The Hon'ble Mr. SHAMSUDDIN AHMED: I do not understand why it is to be understood as redundant.

Mr. HUMAYUN KABIR: Are we further to understand that Government have as yet no plans according to which organisation of voluntary labour in order to eradicate water-hyacinth may be carried out?

The Hon'ble Mr. SHAMSUDDIN AHMED: The hon'ble member perhaps did not hear me. I have already stated that Government is going to organise a water-hyacinth week when Government schools and colleges will have to be closed, and everybody including the hon'ble member will have to work.

Mr. HUMAYUN KABIR: Is this matter of a new amending Bill a State secret that the lines of the Bill cannot be revealed to the House without detriment to the public interest?

The Hon'ble Mr. SHAMSUDDIN AHMED: Well, nothing is secret. Where is the secrecy about it? The Bill will come in due course.

Mr. RANAJIT PAL CHOUDHURY: In view of the answer given by Government that all hon'ble members will have to work, are we to understand that voluntary labour will take the shape of compulsion in this case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Moral compulsion.

Paddy and Jute Committees.

15. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether in respect of the following Committees appointed by the Government, any provision has been made for getting *interim* reports as to the progress of the work done by such Committees:—

(*i*) the Committee appointed to investigate into the problem of improving the price of paddy and rice as affecting the Province and to make recommendations in the matter; and

(*ii*) the Committee appointed to investigate into the jute problem as affecting this Province?

(*b*) Has any *interim* report been made by any of the Committees?

(*c*) Do the Government intend to give publicity to such *interim* reports, if any, submitted to Government?

(*d*) Have any steps been taken by the Government to keep themselves and the public informed of the progress and the nature of work done by those Committees?

The Hon'ble Mr. SHAMSUDDIN AHMED: (*a*) No *ad interim* reports were asked for but I am keeping myself informed of the progress that the two Committees are making.

(*b*) and (*c*) Do not arise.

(*d*) As stated in answer to clause (*h*) of the question, I am keeping myself informed of the progress made and work done by the Committees but I do not consider it necessary to take any special steps for

keeping the public informed of the same. The tours and investigations of these Committees are being publicly done and information relating to them is being published in the usual course, in the newspapers.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if the reports published in the newspapers are authorised by Government?

The Hon'ble Mr. SHAMSUDDIN AHMED: Except Government Communiques and Notes published under the authority of Government, no reports are authoritative.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state whether that applies to reports being published in the newspapers of investigations made by Government officers or to ordinary reports in the newspapers?

The Hon'ble Mr. SHAMSUDDIN AHMED: So far as this question is concerned, that is, *ad interim* reports, I have already stated that no *ad interim* reports have been asked for, but Government have only asked that the whole thing should be expedited, and possibly the report would be in the hands of the Government very soon.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please enlighten us as to what is the method of his keeping himself informed? Is it by receiving any report in writing?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am getting into touch with the Secretaries and the Chairmen of the Committees and receiving information from them.

Mr. HAMIDUL HUQ CHOWDHURY: Is there any time-limit fixed in the notification by which the Committee is appointed for submitting a report?

The Hon'ble Mr. SHAMSUDDIN AHMED: Time-limit has not been fixed, but these Committees have been asked to expedite the matter and finish as soon as possible.

Mr. HAMIDUL HUQ CHOWDHURY: Are they bound to expedite or can they continue for any amount of time?

The Hon'ble Mr. SHAMSUDDIN AHMED: They cannot, you can take it from me.

Mr. HAMIDUL HUQ CHOWDHURY: Why you say they cannot? What is there to prevent them?

The Hon'ble Mr. SHAMSUDDIN AHMED: Government will not allow them to continue for long.

Dr. RADHA KUMUD MOOKERJI: Do I understand from the Minister's reply that for any information that is being published in the usual course in the newspapers, the Government undertake responsibility

The Hon'ble Mr. SHAMSUDDIN AHMED: The usual course does not mean that Government would take responsibility with regard to every matter that is published.

Dr. RADHA KUMUD MOOKERJI: As a part of his reply the Hon'ble Minister has said that information relating to these Committees is being published in the usual course in the newspapers. Am I not entitled to infer that Government take full responsibility for what is published in the newspapers with regard to this subject?

The Hon'ble Mr. SHAMSUDDIN AHMED: If any information is published under the authority of Government or any officer who is authorised by the department, then certainly Government would take the responsibility for the same.

Dr. RADHA KUMUD MOOKERJI: Why should this sentence appear in the Government's official reply to this question? You cannot have both ways at the same time.

(No reply.)

Externment order on Sj. Joges Chandra Chatterjea.

15(A). Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that Sreejut Joges Chandra Chatterjea, an ex-Kakori case prisoner, petitioned the Government of Bengal to return to Bengal to see his ailing mother at his home in the Dacca district;

(*b*) whether it is a fact that his mother is lying seriously ill and is not expected to survive;

(*c*) whether Sreejut Sarat Chandra Bose, Leader of the Opposition in the Assembly, also requested the Home Minister to grant the aforementioned Joges Babu leave to enter Bengal and see his ailing mother;

(*d*) whether Sreejut Joges Chatterjea's petition has been granted, if not, why not;

(*e*) what are the grounds which have led the Bengal Government to prevent his return to Bengal; and

(*f*) whether Government will as a measure of experiment try and see how his (Joges Chatterjea's) return to Bengal affect its peace and tranquillity; if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) to (*f*) I received copy of a telegram sent to Mr. Bose, who forwarded it to me with a request that permission should be granted. For reasons which were communicated to Mr. Bose, I had regretfully to refuse his request. On grounds of public safety, Government are not prepared to reconsider the matter.

Mr. LALIT CHANDRA DAS: On the ground that public safety was not in danger by the release of 3,000 detenus and convicted political prisoners, and on the further ground that there is an army of police officers under the Government, will the Government try it as an experiment by releasing one single individual, Joges Chandra Chatterjea and allowing him to return to Bengal just to see how it affects the peace and tranquillity of this province?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, eight months ago this individual, when he was granted premature release, sent a telegram that his mother was dying. On compassionate grounds this Government raised no objection to his visit to this province, as so far his conduct indicated that he recognized the consideration shown to him and wished to devote himself to his mother. But he took the first opportunity to leave her and his conduct became so objectionable that Government had to extern him from the province.

Mr. RANAJIT PAL CHOUDHURY: What were the objectionable reasons for which he was externed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to disclose them.

Political prisoners.

16. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to place a list of the political prisoners now suffering from various ailments in different jails in Bengal on the table of the House?

(*b*) Do the Government propose to show special consideration to such prisoners? If so, what are those?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) If the hon'ble member refers to persons convicted of offences connected with the terrorist movement, there are at present 17 such convicts. I am not, however, prepared to publish their names.

(*b*) The policy of Government was announced in the Communique of the 25th September last and is being followed.

The reinstatement of pension to Babu Uma Charan Choudhury.

17. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government intends to reconsider the case of Babu Uma Charan Choudhury, of village Ibrahimpur, Tippera, father of Miss Sunity Choudhury, who was convicted in connection with the murder of the late Mr. Stevens (Magistrate, Tippera), in respect of the reinstatement of pension to him?

(*b*) Does the Government propose to review the matter of allowing some pension to him? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) No. Babu Uma Charan Choudhury was aware of his daughter's tendencies and did not check them.

Landless rural population.

18. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the percentage of the rural population in Bengal which is absolutely landless having no land for cultivation?

(*b*) Is the percentage of such landless class gradually on the increase?

(*c*) Has the Government any scheme for providing land to this class of people?

(*d*) Does the Government intend to incorporate any scheme for alloting land to this class of landless people in the Land Law and Tenancy Law of the country?

(*e*) Does the Government propose to remedy this state of affairs?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No up-to-date accurate statistics are available. But some idea of this population can be had from the Imperial Table X at pages 70-71 of Part II, Tables, Volume V of the last Census.

(*b*) Till the next census figures are available, no such generalisation can be made.

(*c*) to (*e*) Rules 25 and 26 of the Waste Lands Manual, 1936, and rules 82 and 83 of the Crown Estates Manual, 1932, show the principles followed by Government in settling *khas* lands. Whenever possible, settlement is made with people who will cultivate the lands themselves. Government have no scheme for providing land for landless labourers because all available land is already in occupation.

There is nothing wrong in having a class of landless labourers. Such a class is, in fact, as essential in an agricultural country as it is in an industrial one. The census figures of 1931 show that out of a total male rural population of 23,740,161 only 2,241,893, or less than 10 per cent., were male of agricultural labourers who depended on this class of work as their principal occupation. Government do not consider that this figure is excessive or calls for any action on the part of Government. The proportion of such agricultural labourers to the total rural population of Bengal is less than 5 per cent.

Report of the Tenancy Committees.

19. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether in respect of the following Committees appointed by the Government any provision has been made for getting *interim* reports as to the progress of the work done by the Committees—

(*i*) the Committee appointed to investigate into the rights of tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords; and

(*ii*) the Committee appointed to enquire into the incidence of rent in the Province and also into the existing law regarding reduction of the rent and to make recommendations in the matter?

(*b*) Has any *interim* report been made by any of the said Committees?

(*c*) Do the Government intend to give publicity to the *interim* reports, if any, received by them?

(*d*) Have any steps been taken by the Government to keep themselves and the public informed of the progress and the nature of work done by those Committees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) G are furnished with copies of all important proceedings of the two Committees.

(*b*) No.

(*c*) Does not arise.

(*d*) (*i*) *Vide* answer to (*a*) above.

(*ii*) It is not the practice to issue press statements regarding the progress of the work of Committees and Government see no reason to depart from the ordinary procedure of issuing a statement when a Committee has finished its labour and submitted its report.

The National Planning Committee.

20. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether the Provincial Government of Bengal is participating in the work of the National Planning Committee?

(*b*) Has the Government of Bengal sent its replies to the Questionnaire published by the National Planning Committee?

(*c*) Are the Government aware of the public feeling in Bengal that the industrial structure of the Province should be a balanced one in regard to the variety of industries and also in respect of the distribution of industries between the different Provinces? If so, have the Government taken any step to safeguard the interest of Bengal in this respect?

(*d*) Did the Government ever consider the question of the regional distribution of industries in the future All-India National Planning of Industries with a view to fix Bengal's share in such a planning? Are the Government collecting materials to substantiate the claim of Bengal? What scheme, if any, have the Government drawn up in respect of this matter?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) This Government was asked to co-operate with the Planning Committee set

up by the Indian National Congress and to make financial contribution towards its expenses but in the absence of any precise information as to the nature of the co-operation expected or the amount of the financial liability involved Government could arrive at no decision. The information required is being asked for and the matter will be further considered on its receipt.

(*b*) No.

(*c*) No. Government have set up an Industrial Survey Committee to advise them in regard to the balanced development of industries in Bengal.

(*d*) The meaning of this question is not clear but Government reserve to themselves the right to develop provincial industries in the manner that appears to them to be in the best interests of the Province.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if the Government has received the questionnaire issued by the National Planning Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if any reply has been sent to this questionnaire?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Dr. RADHA KUMUD MOOKERJI: Is the Hon'ble Minister aware that several Provincial Governments have, on the basis of the information supplied by the framers of this scheme, already taken steps towards offering the fullest co-operation with the projects of this Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: They may have.

Dr. RADHA KUMUD MOOKERJI: If so many Provincial Governments have been taking steps on the basis of the information already supplied, should not this Government also fall in line with those other Provincial governments?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Not necessarily.

The Hon'ble Mr. A. K. FAZLUL HUQ: We never follow others, we lead.

Dr. RADHA KUMUD MOOKERJI: In view of the leadership that is expected from the Bengal Government in regard to the national planning of industries, will this Council be privileged to have some further light thrown on the subject as regards the lead that is being taken in this matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I would request the hon'ble member on the other side to compare the two questionnaires and decide whose questionnaire is better.

Dr. RADHA KUMUD MOOKERJI: We have already considered these. The questionnaire issued by the Bengal Government is confined rather too much within the boundaries of this province, whereas in the other questionnaire issued there is a very important question raised as to how far Bengal as a province can take its legitimate share in the industrial development schemes affecting the whole of India. This aspect of the problem is important particularly when Bengal is already lagging behind in some of these industries.

The Hon'ble Mr. A. K. FAZLUL HUQ: Argument is not a question.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, am I supposed to answer this?

Mr. PRESIDENT: You may or may not

Re-excavation of the Dhurang Khal.

21. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if the attention of the Government has been drawn to the necessity and urgency for the re-excavation of the *khal* known as Dhurang Khal in the district of Chittagong?

(*b*) If so, what steps have the Government taken up to present time to get it excavated at an early date?

(*c*) Is it a fact that the local officials have already submitted their strong recommendations for the early re-excavation of this *khal*?

(*d*) Is it a fact that a scheme for the re-excavation of this *khal* has already been prepared by Government, and if so, when is the work of the re-excavation of the *khal* expected to be taken up by Government?

(e) Is it a fact that very recently an enquiry was made from the local people as to whether they would voluntarily help the Government in the work of re-excavation and that the people gladly agreed to render such co-operation?

(f) Are the Government aware that the delay in the re-excavation of this *khal* is causing yearly loss and suffering to local people?

(g) If so, are the Government going to sanction the scheme for its re-excavation very soon, and if not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) Yes.

(b) Necessary enquiries were made and I am advised that the re-excavation of the canal is not feasible at a reasonable cost.

(c) No.

(d) Only a rough estimate was prepared and the cost was found to be out of proportion to any benefit likely to be derived from the proposed work.

(e) Not so far as I am aware.

(f) Some people might be benefited by the re-excavation but, as I have stated, the benefit would be small in comparison with the cost to the taxpayer.

(g) No, for the reasons stated in the reply to (b).

Flood in Bengal.

22. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the causes of recurring floods in Bengal?

(b) Have the Government enquired into the causes of the recent widespread flood in Bengal? If so, what are the causes of the same in the opinion of the Government?

(c) If not, do the Government propose to enquire into the causes of the recent widespread floods and to take such remedial measures to prevent such recurrence in future, as the experts may suggest?

(d) Is it a fact that the railway bridges, specially the Hardinge and the Bhairab Bridges, and similar other bridges are the contributory causes to the recent and yearly floods in Bengal? If so, have the Government taken any steps in this matter to remove this cause?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) and (b) Government have made preliminary inquiries and are of opinion that in addition to heavy rainfall in the catchment basins and

the melting of snow in the mountains there, are other causes such as the natural rise of the spill area, deterioration of spill channels, cutting off of river spill by means of embankments, etc., and extensive deforestation in the catchment area.

(*c*) Does not arise.

(*d*) It does not appear that the Hardinge Bridge has materially contributed to the recent high floods in the Ganges. There are bridges across the Bhairab with inadequate span and the District Board of Jessore have agreed to take necessary action in connection with the scheme for the resuscitation of the Bhairab river which has recently been started.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the Government propose to follow up the preliminary enquiries made?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any definite plan of action has been adopted by the Government for the purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I believe the hon'ble member is aware that it is not possible to settle any definite plan of action so soon after the flood and, without collecting the data which are necessary before arriving at a decision in this respect.

Burrowpits in the district of Murshidabad.

23. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the fact that the burrowpits on either side of the East Indian and Eastern Bengal Railways in the district of Murshidabad are converted into stagnant pools of water during the rains which furnish convenient breeding grounds for mosquitoes during that season to the detriment of health of such localities and also to the fact that in some places where the pits have been cut for test works they are more deep and are as bad for health as the Railway burrowpits?

(*b*) If so, what steps have been taken by the Government to check this evil?

(*c*) If no steps have yet been taken, will the Hon'ble Minister be pleased to move the Railway authorities, the District Magistrate and

the District Boards either to fill them up or connect such pits for draining out their water towards lowlands or marshes or to the rivers and canals or to convert them in the forms of tanks for rearing predatory fish?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) On receiving notice of this question I called for a report from the District Magistrate and have been informed by him that the facts are generally as stated except that most of the pits for test works are shallow.

(*b*) and (*c*) The hon'ble member's suggestion will receive my consideration.

Howrah Bridge.

24. Rai Bahadur MANMATHA NATH BOSE (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that the Howrah Bridge is opened now-a-days usually in the morning between 5 to 8 a.m.?

(*b*) Is it a fact that most of the important trains of the East Indian Railway and the Bengal-Nagpur Railway arrive during that period?

(*c*) Is it a fact that previously the bridge usually opened at or after midnight and was closed before sunrise? Are the Government aware of the inconveniences of the incoming passengers, and if so, will the Hon'ble Minister be pleased to take necessary steps to see that the bridge is closed before 5 a.m.?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) I am informed that it is not a fact.

(*b*) A large number of important trains arrive between the hours mentioned.

(*c*) My information is that there has been no change of practice, the exact times of opening being dependent on the tides. I therefore do not propose to take the action suggested by my honourable friend.

Reduction of the cost of Civil and Criminal litigation.

25. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state if he has taken any substantial step to reduce the cost of litigation, both Civil and Criminal, and to arrange for cheap and easy justice for poor people?

(*b*) If not, has he got any scheme or plan for the same? If not, what is the cause of the same?

(*c*) Has the attention of the Hon'ble Minister concerned been drawn to the system of travelling Magistrate who with some constables travel from village to village and hear complaints of the people and decide the same then and there as recently introduced by the Premier of the Punjab?

(*d*) If so, is the Hon'ble Minister considering the desirability of introducing similar system in Bengal? If not, why not?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (*a*) and (*b*) No: Government have had no occasion so far for altering the existing arrangement.

(*c*) Government have no information.

(*d*) No: the system of Union Benches provides facilities in the matter?

Mr. PRESIDENT: The House will now resume discussion on the resolution of Khan Bahadur Muhammad Asaf Khan and the two amendments of Mr. Nur Ahmed thereto.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, may I, with your permission, rise on a point of order at this stage? We have received just now a communication from the Secretary to the Council to the effect that we have to send, as soon as possible, amendments to the Bengal Tenancy (Second Amendment) Bill, 1938. I think, Sir, this is not in conformity with the rules of this House. I would refer you to section 83 of the Bengal Legislative Council Rules and Standing Orders which will show that the matter cannot be taken up before seven days from the receipt of the notice unless you, Sir, suspend that rule in favour of the Minister in charge of the Bill; but I am sure as the custodian of our rights you will be the last person to do that. Anyway, it is not humanly possible to send in amendments to an important measure like that within 24 hours.

Mr. PRESIDENT: Order, order. I appreciate your point, but I think the proper time to raise such an objection will be to-morrow. I see the significance of your objection that seven days' time must be given for tabling amendments as provided in the rules.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Thank you, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: Will you allow a discussion of this point of Order then or to-day?

Mr. PRESIDENT: I cannot allow a discussion on this matter now; it is not before the House.

Mr. HUMAYUN KABIR: Suppose you rule, Sir, that the point of order stands, then this Bill cannot come to-morrow.

Mr. PRESIDENT: The question is not before the House at the present moment. The Hon'ble Minister in charge of this particular Bill did not ask for the President's permission to suspend the provisions of section 83 of the Rules and Standing Orders and so this question does not arise now. If he had asked for the Chair's ruling on the point, I would have heard the other side of the House before giving a ruling.

NON-OFFICIAL RESOLUTIONS.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I whole-heartedly support the resolution moved by Khan Bahadur Asaf Khan, and I earnestly request my old friend Mr. Nur Ahmed to withdraw his amendments. Sir, in supporting the resolution I have not much to say; after what we have heard yesterday from the different speakers, I feel that when this House voted for the stoppage of the district settlement operations, it did not intend to starve the poor subordinate and inferior staff of the department. By stopping these settlement operations the Legislature only intended to give relief to the tax-payer. From our past experience we can say that whenever Government wanted to effect any retrenchment, it tried to absorb the retrenched hands into the existing staff elsewhere, or offered favourable retirement terms to their surplus staff. It is, therefore, not unreasonable to assume—and I am confident that Government have already done so,—that Government will not throw into the streets such a large number of employees and their family members. With the inauguration of Provincial Autonomy the scope for the appointment of new hands has increased, and I implore Government either to provide *dal bhat* to those faithful men in preference to new recruits or to offer them favourable terms of retirement. With these few words I appeal to the House to pass the resolution without further discussion, and I also appeal to the Treasury Bench to accept the resolution without any further controversy.

Begum HAMIDA MOMIN: Sir, I rise to support the motion of Khan Bahadur Asaf Khan whole-heartedly. It is a matter of deep regret that men who have put in their best energy and best years of

their lives in Government service have been discharged without any provision being made for them to fall back upon and some of them probably are not of the age to enter upon any new service. Apart from this when we think that about 800 of them and their families are almost on the brinks of starvation, it is not a thing to brush aside easily. In these days we are talking of health weeks, child welfare and all sorts of benevolent work, but here are these men who have served Government faithfully who have been thrown out of service. We are going to pass the Maternity Benefit Bill and these women who are mothers of children will be reduced to the plight of seeing their children starving before them; so we should do well to pass this resolution in order that these men may be enable to provide their children with food. With these words, Sir, I hope the House will wholeheartedly support this resolution.

Mr. HUMAYUN KABIR: I move that the question be now put.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I deem it to be my duty to speak a few words on this subject, because there is a resolution on the same lines standing in my name. I gave my consent to give notice of a resolution like this on the condition that I will explain my position later. The subject is one which requires some consideration from Government and should be discussed thoroughly, so that due sympathies may be given where they are due. The settlement operations were stopped as a measure of retrenchment and the object of the resolution directly strikes at the root of it. The resolution as it stands will appear too sweeping in its scope. If it is carefully considered and its implications are understood, I am certain it will appear to the hon'ble members of this House that it will cause much greater hardship to other classes of people in case the resolution is accepted as it is. At the same time, I must say that I have got my full sympathy for these persons who are going to be thrown out of employment. The question is how to relieve their distress. The recommendation is that in all appointments to be made in future preference shall have to be given to these persons irrespective of new claimant's case. That, Sir, may create much greater hardship. It is understood from the Government circulars as at present that there is no question of these people being age-barred for any Government employment. But take a case in which there are candidates who are just on the brink of stepping into their 25th year as against candidates who are discharged employees of the Settlement Department. If this resolution is passed by this House and Government also accept it, then what would be the position? Persons who are outsiders and would thus become age-barred would not ever be able to get any employment under the Government and their case would be that they would not be able to get employed for all time to come. But so far as these discharged gentlemen are concerned, if

the Government give the undertaking that their cases will be much more sympathetically considered than at present, that they will be gradually absorbed into permanent service according to their qualifications by and by, then I submit that the object of moving this resolution will be served. If they are given due consideration and if they are given jobs whenever and wherever possible, and at the same time those who are not members of the discharged classes may get due consideration at the time of employment, then we shall be content. Therefore, some sort of arrangement of that nature will relieve distress from which these people are suffering. Sir, as regards the second clause of the resolution, namely, gratuities, it is provided that those who cannot be employed should be given some sort of gratuity to be calculated at the rate of one month's pay of each year of service. Service under the Settlement Department is, as you all know, of a temporary nature. There was no provision of pension or gratuity when they first entered the service. Supposing there are servants of Government who have already put in 24 years of service or even 24 years and 9 months' service, then according to this resolution a gratuity at the rate of one month's salary for every year of service has to be given to them, but if they were allowed to serve full time, nothing would have been given to them and they could not get anything from Government. Therefore, I submit that the resolution as it stands at present is too sweeping, and that it will entail too much costs upon the Government treasury, and it would be giving to people a thing of which they had no expectation when they first entered the service. Therefore, if the Government give this House an undertaking or an assurance that the policy that has so long been followed in the province by which the cases of these gentlemen were not being considered adequately or at all at the time of employment by the District Officers or other employing officers, will be changed, that in future Government will endeavour in all possible ways without causing undue hardship to other cases to give them employment where they are still fit for employment, then it might meet our wishes. In regard to the question of gratuity, I submit that it is a very difficult one and cannot be too lightly discussed at this stage without considering each case which is to be considered from that point of view. Therefore, if such an assurance is given by Government and sincerely given, with the object of carrying it into effect, then I submit that the resolution can be accepted with that modification.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the Government point of view will be fully explained by my friend the Revenue Minister, and if I interpose at this moment it is to give the House the fullest assurance that the suggestions made by the Deputy President just now will be gladly accepted by Government, and a guarantee of everything that is humanly possible will be given that the cases of these persons will be very sympathetically considered. Sir, at the time when the question arose of discharging these persons, it was pointed out by the Revenue

Minister that the stoppage of the settlement operations would result in a serious state of affairs, and it is what we are at the present moment faced with. It was pointed out that the stoppage of the settlement operations would result in the turning out of office of a large number of Government servants who had served the public faithfully and well and whose pecuniary conditions were not such as to enable them to lay by much money in order to meet times of difficulties and distress. With the fullest consequences before them the members at that time supported the proposal for the stoppage of settlement operations. Government knew that a suggestion like this would be coming from this House, or at any rate, even if no suggestions were put forward, Government realise their obligations to provide for their servants if by any kind of process they were made to retire compulsorily or thrown into distress and calamity. At the present moment, as the Deputy President has pointed out, it is a very large sum which will have to be found in order to give effect to the resolution. What the Government, therefore, propose to do is this, that the whole question will be considered by the Committee. There is already a Committee and if necessary, more members might be added to the Committee, and the whole situation will be considered by them, and as much relief as is possible will be given. That, however, is a matter of detail. We, therefore, appeal to the House not to press the resolution but to withdraw it, or the Government giving the fullest assurance that this matter will be fully considered, and will be placed before the House again, for the consideration of the members of this House in this session. They will find that Government has been considering this question and substantive proposal will be put forward as to what kind of relief can be given to these people, but at the present moment the acceptance of the resolution in its entirety and in the form in which it has been put forward will involve the undertaking of financial implications which it is difficult for Government to undertake without close examination. As for sympathy there is, not only sympathy, but the fullest sympathy for these people. The will to help them is not lacking and if the House accepts our assurances openly given and which will be repeated by my friend, the Revenue Minister, I would ask the hon'ble member who has moved this resolution to consider if any useful purpose will be served by pressing this motion and by carrying it in the House. The object will be served by the assurance that we have put forward. I once more ask my friend, the mover of the resolution, to consider the position and to see if he would agree not to press this resolution.

Sir E. C. BENTHALL: Sir, the views of our party are very much in line with those of the Deputy President. We have given the matter our most careful consideration and as in the case of other speakers, we have very great sympathy with the men who find themselves in this dilemma. We appreciate that it is an extremely hard case, specially

in times of unemployment like the present. We appreciate also that it is particularly hard because we understand in the case of many of these men, their training has not made them suitable for further employment in Government service. That I think is really one of the problems. Government have given their undertaking that they will re-employ these men whenever they can do so, but Government find it very difficult to re-employ any considerable number of them because of their lack of qualifications. Most of the speakers, until the Deputy President spoke, had overlooked the fact that when these men entered the employ of Government they did so on the clear understanding that their terms were temporary. They were fully aware of their terms. They were, I understand, engaged from settlement to settlement in each district. When a settlement was over they were turned out and were re-engaged at a later stage when a fresh settlement came up. Then there can be no doubt about the terms of their employment; but of course with the passage of years, their engagement has taken on a somewhat permanent nature. To give gratuity to those who cannot be re-employed I understand involves between Rs. 6 and 8 lakhs. I do not find the exact figure mentioned. We, therefore, thoroughly appreciate the Government's reluctance to incur this expenditure in excess of the terms of the engagement of these men, especially as it involves a precedent for all other temporary servants of Government. Also in the case of the first resolution we do not think that in any case a gratuity for one year's service would be justified. Of course we appreciate that inasmuch as the action of Government recently taken was largely taken on the pressure of the Legislature, the Legislature naturally feels a desire to compensate these men as far as possible, and we share the Legislature's sympathy. But I think the Government must look to the general financial position and also to the fact that if they give gratuity in this case, they will have to give it in all other cases of temporary employment. While, therefore, we are fully in sympathy with the first part of the resolution and feel that that shall be as amended by Mr. Nur Ahmed who asks simply that men should be given re-employment where possible consistent, as we read it, with efficiency, we do hesitate strongly to support the resolution as a whole, because of the principle involved in the second part of it. We feel we cannot support it unless we have the assurance that the Government have money to spare and that it will not involve heavy obligations in other directions, especially as the resolution as worded gives a gratuity to people after only one year of service. After hearing the Government's appeal, I would also like to add my appeal to the mover to withdraw the resolution on the assurance which the Government have given.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, may we through you request the Leader of the European Group to consider the case of these people whenever they make appointments?

Sir E. C. BENTHALL: We are always considering the question of unemployment.

Dr. RADHA KUMUD MOOKERJI: Sir, I would like to request the Government if they cannot even at this stage make their expressions of sympathy somewhat definite and more concrete, and this they can easily do on the basis of a precedent set by their own Finance Member, Mr. A. W. Marr who gave a declaration in the Council Chamber on the 18th August, 1928, to the effect that the gratuity should take the form of one month's pay for every year of service at the rate of Rs. 45 per month. I think, therefore, Sir, that this is not a very new question, and the Government need not be thinking that they are called upon to face a very unexpected situation. This situation arose some time back and the Government of the day did produce a concrete proposal in dealing with such a case. I, therefore, ask whether the Hon'ble Chief Minister who has contributed to this discussion cannot give a definite shape to his very pious resolution on the subject in the form of the declaration made by the then Finance Member of the Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Government attitude towards this resolution has been fully explained and outlined in the speech of the Hon'ble Chief Minister. I may mention that Government greatly appreciate the spirit that underlies this resolution and the sympathy, the feeling that has prompted the hon'ble the mover to move this motion and some of the hon'ble members who support it. Sir, at the outset, I would request the hon'ble members to analyse dispassionately the terms of this resolution. It leaves no option to Government. They must find employment for all the discharged staff of the Settlement Department, those who are physically fit to serve, and they must be given preference to new recruits irrespective of qualifications. The second part of the resolution enjoins that officers who have become incapable but who in the past had rendered useful and loyal service should be given at least a month's salary as gratuity for each year of service rendered. That is the proposal. So it leaves no option to Government. Now it has financial implications. The principle that the mover and supporters of this resolution want Government to commit themselves to should be clearly understood. Sir, Government is the biggest employer in this province, and whatever principle they accept with respect to these discharged employees they must also give effect to elsewhere with respect to other employees of Government. So that is the important principle to which they are now called upon to commit themselves.

Sir, it has been clearly explained and admitted by the previous speakers that these employees when they were taken into service they were not given any assurance of permanence or continuity of tenure.

They accepted the posts with their eyes open. Government must make a distinction between permanent employees and temporary employees, and these people were purely temporary employees. In fact, there were gaps in their services between one settlement and another. It was purely an accident that when settlement operations closed in a particular district and it started in another district, some of these employees were employed in the area where the operations started. But I am sure that in case of many there were actual breaks. Sir, the next point for consideration is the financial liability that Government are called upon to undertake. At least 6 lakhs of rupees would be necessary if this resolution has to be given effect to. I do not think that Government would be justified in accepting that financial responsibility. An appeal has been made to Government on humanitarian grounds. I think my friend Khan Bahadur Saiyed Muazzamuddin Hosain repeated more than once that "this is a popular Government and we appeal to the Hon'ble Ministers to approach this question purely in a humanitarian spirit." I can assure him that individually we are as sympathetic to these unfortunate people as my friend over there. But we cannot allow our sympathy to get the better of our sense of responsibility to the rate-payers of this province. Government are the custodians of the public purse, and we cannot afford to be generous at public expense. If it were our own money we could have been sympathetic, but here we have got a definite duty to perform and Government must draw the line somewhere between permanent employees and temporary employees.

Sir, I think Khan Sahib Abdul Hamid Chowdhury and Mr. Kader Baksh referred to certain funds in possession of Government or certain fund being held on their behalf by the Government of India on which the Provincial Government can always draw in order to pay these discharged employees of the Settlement Department. The whole story, if I may say so, with due respect, is a myth. There is no such fund. It is true that Government did make some profit due to over-cautious computations of settlement costs. But that merged in the general revenues of Government and the money was spent in the interest of rate-payers of this province. So there is no fund on which Government can draw to compensate these discharged employees and that demolishes the theory that has been advanced by Khan Sahib Abdul Hamid Chowdhury and by my friend Mr. Kader Baksh.

Sir, Mr. K. C. Roy Chowdhury in supporting the resolution pleaded specially the case of the compositors. I know he is an old champion of the press men and it was no wonder that on this occasion he has again come forward with their case. Sir, most of these compositors are non-matrics, and so they cannot be employed as clerks. They can be employed in two places, namely, in the Bengal Government Press and in the Forms Department, but there is no

vacancy in these two departments. There the work is done by convict labour. There is, therefore, no vacancy where these people can be appointed. Government in the Revenue Department have already circularized to the other departments of Government and the District Officers to absorb as many of these discharged settlement staff as possible and in pursuance of that policy many of them have been already appointed. Sir, it is not possible to absorb all of them. All of them are not qualified, and not capable of performing the duties that they may be called upon to perform in the District Offices. That is the difficulty that stands in the way of Government's re-employing them as permanent officers. Sir, I think it is an absurd proposition.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: How many of them have been appointed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not quite sure of the number. Many of them have been appointed. Settlement operations on a two-party basis were started, I think, since 1936-37. So it is only 1½ years, or 2 years, resulting in the discharge of a number of the temporary staff. So it is too early to say that Government are not making a definite attempt to absorb as many of them as possible. We must wait. When these people were appointed to Government service, they came in as temporary hands, but now the proposal is that they should be appointed as permanent employees.

There is another question which I may mention, namely, that Government have not yet finally decided that the revisional settlement operations should be altogether dropped. This question is still being seriously considered by Government and they hope to devise some means for cheaper method of revisional settlement operations. If that can be devised, I am sure, Government will give preference to experienced hands and will absorb most of the discharged staff who will be fit. That shows that the Government are sympathetic and are making a definite attempt as many of these discharged settlement staff as possible. Now, in view of what the Hon'ble Chief Minister has stated, I hope the hon'ble mover of the resolution will kindly agree to withdraw his resolution and give us a chance to examine the whole question. It is not possible for me to say here and now what will be the decision of Government. We owe it to this House, we owe it to the rate-payers of Bengal, that this question should be carefully and dispassionately considered from the financial point of view. In examining that problem, however, we shall not forget the interest of the discharged employees. Government are sympathetically inclined towards them, and they propose to examine their cases with due sympathy.

Mr. PRESIDENT: Order, order. Is the Hon'ble Minister likely to conclude his speech soon, as otherwise I would like to adjourn for prayer.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I shall conclude in two minutes' time. As I was submitting, Sir, these are the difficulties which stand in the way of our accepting the resolution as it is, and I hope that as Government are anxious to devise some ways and means of giving relief to these unfortunate people, the hon'ble mover will kindly give us a chance and withdraw his resolution.

Dr. RADHA KUMUD MOOKERJI: What about Mr. Marr's suggestions?

The Hon'ble Mr. A. K. FAZLUL HUQ: We will take that into consideration, no doubt.

Khan Bahadur MUHAMMAD ASAF KHAN: After what has fallen from the lips of the Hon'ble Chief Minister, and the assurance given by the Hon'ble Revenue Minister, I have no other alternative left to me but to withdraw my resolution. I hope, however, that Government will do whatever lies in their power to relieve the distress of these discharged hands.

Mr. PRESIDENT: Is it the desire of the House to give permission to the hon'ble member to withdraw his resolution?

(Cries of "no, no" from the Opposition Bench.)

Mr. PRESIDENT: Is it objected to? Somebody must get up and say so.

Mr. NARENDRA CHANDRA DATTA: I object, Sir.

Mr. PRESIDENT: It being prayer-time, the House now stands adjourned for 15 minutes. The House will meet again at 4-50 p.m.

(The Council then adjourned for 15 minutes for prayer.)

(The House reassembled at 4-50 p.m. after adjournment.)

(After adjournment.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I just make one suggestion at this stage, as it may satisfy the hon'ble members? Government are prepared to place all the facts before a

small committee consisting of certain members of this House—not more than seven in number. Let them examine the facts and then make their recommendations to the Government. I should, however, make it clear that it will be left to Government to decide their line of action on the recommendation of that committee, but Government will certainly treat the recommendations of the committee with due consideration.

Mr. PRESIDENT: May I then take it that after this declaration by the Hon'ble Minister in charge of the department, there is no objection to the withdrawal of the motion?

Mr. NARENDRA CHANDRA DATTA: No, Sir, our objection still stands.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I have had a consultation with the leaders of different groups on this side of the House, and I have been authorised by them to say that if the Government will modify the resolution which is now before the House according to the light in them or draw up a fresh resolution indicating the line of action they propose to follow with a view to re-employ the men who have been thrown out of employment, and for that matter, if some definite proposals are made by the Government, then the House will accept that resolution, and the resolution which has already been moved may be withdrawn. But mere verbal assurance or any vague profession, without indicating the line which Government propose to follow will not satisfy us on this side of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult for Government to give a definite assurance here and now as to what line they will follow, and what will be their ultimate decision. First of all, there must be an examination of the whole case. Without such an examination Government cannot make up their mind. Government are prepared to place all their cards before the small committee I have suggested. The members of the committee will be taken into confidence and will have ample opportunity of going into details and then make their recommendations. It is very difficult for me to accept the suggestion of the Maharaja of Santosh because that will mean that Government must come to a decision before the examination of the case.

Khan Bahadur ATAUR RAHMAN: May I enquire, Sir, if the recommendations of this committee are binding on Government?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, as far as I was able to gather from the speech of the Hon'ble Chief Minister, he made certain definite proposals and his utterances were very sympathetic. I am sure that if a resolution is drawn up on the lines suggested by him, and if it is drawn up in the right spirit, it will meet with the general approval of the House, and in that case I am sure, the mover will agree to withdraw the resolution now before the House.

Mr. E. C. ORMOND: May I make one observation that, we are faced as a House at the present moment with the question as to whether this resolution should be withdrawn or not, and may I make this further suggestion in case it may appeal to the Maharaja of Santosh that the motion now before the House may be allowed to be withdrawn, that the Government may adopt the suggestion put forward by the Maharaja of Santosh, and at the next sitting of the House the necessary resolution can be moved either on behalf of Government, or if that resolution is not sufficient to satisfy the hon'ble members on this side of the House, hon'ble members on this side of the House may then bring in another resolution. The House had had the benefit of a full discussion on this matter and they have had the benefit of hearing the views of Government also on this matter and they have also had the benefit of certain assurances which have put the matter very much further forward than it was before the resolution was moved. In these circumstances, I would appeal to my hon'ble friends on this side of the House to consider whether it will not meet the requirements which they have in mind. After all, we fully realise that the requirements they have in mind are to benefit these particular persons who were at one time employed in the Government Settlement Department and have now been compelled to leave it—if these persons are benefited,—I take it that the matter of a verbal alteration to this resolution does not matter. I make this suggestion, Sir, in all sincerity——

Mr. PRESIDENT: There is one difficulty in accepting the suggestion made by Mr. Ormond. Section 41 of the Council Rules and Standing Orders lays down that a motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. Thus it stands against the solution proposed by Mr. Ormond. As regards the other points, the Government have made their position absolutely clear. They have made a definite offer and it is for the Opposition to decide whether they would like to accept the same and agree to give leave to the mover for withdrawal of the resolution.

Mr. LALIT CHANDRA DAS: We do not withdraw our objection, Sir.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that the clerks, draftsmen, process-servers and orderlies of the Settlement Department who have been recently discharged or are shortly going to be discharged on account of stoppage of the District Settlement operations, should be given employment in permanent offices of Government in preference to new recruits until all of them who are fit to work are absorbed in such offices; and those who are incapable of rendering further service, but have rendered faithful service for more than a year should be given gratuity of one month's pay for every year of service. Since which two amendments have been moved by Mr. Nur Ahmad. One is that for the words 'in preference to new recruits until all of them' the words 'as far as possible' be substituted, and the other is that for the words 'one month's pay for every year of service' the words 'of such suitable sum as Government think reasonable' be substituted.

The question before the House now is that the amendments be made.

The Hon'ble Khwaja Sir NAZIMUDDIN: What has happened to the motion for withdrawal? Has that been negatived?

Mr. PRESIDENT: As objection has been taken to leave being given to the mover to withdraw the motion, the Chair has no option but to put it before the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: If there is objection, must it be unanimous?

Mr. PRESIDENT: Yes, I have already explained the point. Now the question before the House is that the amendments moved by Mr. Nur Ahmad be made.

(The motion was put and division called.)

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, before you call a division may I tell you that my friends on this side are now willing to accept the suggestion of the Hon'ble Revenue Minister to the effect that a Committee be constituted to consider this matter and discuss this matter threadbare and come to certain definite conclusions. If that is the wish of the House, I think there need be no division.

Mr. PRESIDENT: The Opposition did not agree to this course before the division was called.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I make one point clear before the House divides. If the resolution as it stands is carried, then the offer made by Government will be withdrawn, but if the resolution is defeated or the amendments are carried, the Government proposal stands.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, the Chair always helps the members of the House to effect a compromise when that is in the best interests of all.

Mr. PRESIDENT: The Chair is most anxious to do it, but it is now too late.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: If the Chair will very kindly do this in this case, the difficulty may be obviated at this stage.

Mr. PRESIDENT: If the objection is withdrawn by the Opposition even at this stage, the difficulty referred to by the hon'ble member may be obviated. It should be remembered that in a matter like this, the Chair can be of help only if it is the unanimous wish of the House.

Mr. NARESH NATH MOOKERJEE: Can this question arise when a division has been called?

Mr. PRESIDENT: The question before the House is that these two amendments be made, namely, that for the words "in preference to new recruits until all of them" the words "as far as possible" be substituted and that for the words "one month's pay for every year of service" the words "of such suitable sum as Government think reasonable" be substituted.

The House divided:—

AYES—23.

Mr. Mesbahuddin Ahmed.	Maulana Muhammad Akram Khan.
Mr. Nur Ahmed.	Mr. J. McFarlane.
Dr. Arabinda Barua.	Khan Sahib Subidali Molla.
Sir E. C. Benthal.	Begum Hamida Momin.
Rai Bahadur Manmatha Nath Bose.	Rai Bahadur Satis Chandra Mukherji.
Mr. Moazzemali Choudhury.	Mr. E. C. Ormond.
Mr. Khorshed Alam Chawdhury.	Mr. Mukhlesur Rahman.
Mr. Hamiddi Huq Chowdhury.	Mr. Nagendra Narayan Roy.
Alhadj Khwaja Muhammad Esmail.	Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh.
Mr. R. W. N. Ferguson.	
Khan Bahadur Saiyed Muazzamuddin Hossain.	Rai Bahadur Radhica Bhusan Roy.
Khan Bahadur M. Abdel Karim.	Mr. Krishna Chandra Roy Chowdhury.

NOES—11.

Mr. Shrish Chandra Chakraverti.	Rai Bahadur Brojendra Mohan Maitra.
Mr. Lalit Chandra Das.	Mr. Naresh Nath Mookerjee.
Mr. Bankim Chandra Datta.	Dr. Radha Kumud Mookerji.
Mr. Narendra Chandra Datta.	Mr. Ranajit Lal Choudhury.
Mr. Kamjal Kumar Dutta.	Mr. Sachindra Narayan Sanyal.
Mr. Kanai Lal Goswami.	

The motion was carried.

Mr. PRESIDENT: The question before the House is that the resolution as amended be passed.

The amended resolution reads thus:—

This Council is of opinion that the clerks, draftsmen, process-servers and orderlies of the Settlement Department who have been recently discharged or are shortly going to be discharged on account of stoppage of the District Settlement operations, should be given employment in permanent offices of Government as far as possible so that those who are fit to work are absorbed in such offices; and those who are incapable of rendering further service, but have rendered faithful service for more than a year should be given gratuity of such suitable sum as Government think reasonable.

Mr. E. C. ORMOND: Sir, is it correct that the House should be sent to a division on the motion of a member who is under a misapprehension, who is saying that the "noes have it" and wishes to vote against the resolution that he is in favour of?

Mr. NARESH NATH MOOKERJEE: We take objection to it, Sir. There is no misapprehension on the part of Mr. Datta.

Mr. PRESIDENT: Order, order. The Chair has given sufficient latitude to the members to make their position clear. Strictly speaking, no point of order can be raised when a division is in progress on any issue, other than that which is incidental to the division itself.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, is it a division on the main resolution?

Mr. PRESIDENT: The division is on the resolution as amended.

This Council is of opinion that the clerks, draftsmen, process-servers and orderlies of the Settlement Department who have been recently discharged or are shortly going to be discharged on account of stoppage of the District Settlement operations, should be given employment in permanent offices of Government as far as possible so

that those who are fit to work are absorbed in such offices; and those who are incapable of rendering further service, but have rendered faithful service for more than a year should be given gratuity of such suitable sum as Government think reasonable.

(The motion as amended was carried.)

Mr. RANAJIT PAL CHOUDHURY: Sir, the resolution that I beg to move runs as follows:—

"This Council is of opinion that the Government of Bengal should take proper steps to move the authorities concerned to levy a pilgrim tax on tickets sold by the different railways to passengers intending to travel to Navadwip and Navadwip Ghat stations during the occasions of solar and lunar eclipses and to make available the proceeds therefrom to the local municipality to enable them to undertake adequate precautionary, sanitary and conservancy measures for the welfare of the pilgrims".

Sir, my first proposition is that as Navadwip town which, as you all know, is the birthplace of Sree Gouranga who knew of no caste, creed or colour, has been made accessible by both the East Indian Railway and the Eastern Bengal Railway. Her importance as a place of pilgrimage has gone on fast increasing year by year during the past few years. This is amply evidenced by the large concourse of pilgrims that congregate in that place, specially on occasions of solar and lunar eclipses and on important Hindu and Vaisnava festivals.

The second proposition I would submit to you is that Navadwip is not any great trade or commerce centre worth the name and has not got a rich and resourceful municipality. Therefore, the income of the Navadwip municipality is not adequate to cope with the rapidly growth of pilgrim traffic. The result has been mismanagement of pilgrim traffic and the outbreak of epidemic for lack of precautionary measures in time.

My third point, Sir, is that it has become necessary that the resources of the Navadwip Municipality should be augmented, so that they may be able to undertake proper and adequate precautionary, sanitary and conservancy measures for the welfare of the pilgrims as also effective measures in those directions for the welfare of the citizens when the pilgrim rush is on and over. In order to enable the local municipality always to rise equal to the abnormal situation, it is necessary that they ought to be provided with sufficient funds from some quarter. I would, therefore, suggest that the Government should take immediate steps to move the authorities concerned to levy a tax on all tickets sold to passengers travelling to Navadwip and Navadwip Ghat stations from outside a certain zone, so that the proceeds therefrom may be allocated to the local municipality for her additional requirements.

The scheme that is to be adopted for raising the tax may be on the same lines as that adopted for towns like Gaya, Bindhyachal, Allahabad, Ayodha and Hardwar. Sir, a friend of mine just now told me that a similar tax is also realised from the Gangasagar pilgrims and this is collected by the steamer companies. Details of the manner and method of the tax may be worked out in a joint deliberation between the Government and the Railway Authorities. I need hardly impress upon the House the urgent necessity of finding some extra funds to be placed at the disposal of the municipality to enable them to meet this abnormal situation during the festive occasions. I would not have suggested the imposition of the pilgrim tax if I would have been sure that the Government funds are adequate and will be available for the purpose.

Sir, it might also be argued that the lodging houses over there may contribute more towards the improvement of the municipality, but, Sir, the number of lodging houses at Nabadwip is insignificant in proportion to the number of pilgrims that rush into the town during these occasions. Besides, a very big majority of these pilgrims do not go to these lodging houses, they go and stay with their friends and relations, and it is only fair that they should pay something for the benefits that they are getting from the municipality for which the permanent rate-payers are to pay.

Sir, with these few words I commend the resolution for the acceptance of the House. It is neither a controversial matter nor does it affect the revenues of the province and I hope that there will be no controversy in this matter and Government will accept it.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that the Government of Bengal should take proper steps to move the authorities concerned to levy a pilgrim tax on tickets sold by the different railways to passengers intending to travel to Navadwip and Navadwip Ghat stations during the occasions of solar and lunar eclipses and to make available the proceeds therefrom to the local municipality to enable them to undertake adequate precautionary, sanitary and conservancy measures for the welfare of the pilgrims.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support the resolution. I would just with your permission propose a small amendment that in the fifth line after the words "Navadwip Ghat stations" there should be added the following words "from outside a zone of 25 miles". This limitation is necessary in order to make the scheme quite feasible and it is in accordance with what is done elsewhere. So, I hope that you will permit me to make this alteration.

Mr. PRESIDENT: I think Government will have no objection to this minor amendment!

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, we have no objection to this alteration, but I believe that the usual number of miles is 30.

Dr. RADHA KUMUD MOOKERJI: Well, in that case I too would make it 30. I do not think that this resolution is at all contentious in any way. It is really based on humanitarian considerations—considerations which affect the health of a very large number of people who congregate on sacred occasions at the places mentioned. I, therefore, hope that where other resources are not available, Government will be pleased to accept the arrangement proposed by this resolution, and that this resolution will be passed unanimously by this House.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, generally speaking we are on principle opposed to all measures of taxation, particularly of fresh taxation if and when we can avoid it, but, Sir, occasions arise when in the interest of the general public we cannot help supporting these measures. Sir, as a result of my close association with various local bodies, I have personal knowledge that they are financially very much embarrassed, and as such they cannot adequately provide for measures and works meant for public utility, and, therefore, these reasons compel us to explore all possible avenues for fresh income. Sir, the case of the Navadwip Municipality is a very peculiar one. Practically throughout the year a large concourse of pilgrims coming from far and near is held there, which means a great financial burden on the local municipality so far as sanitary arrangements are concerned. I do not know if Government helps the municipality with any special grant for this purpose, but it is obvious that it is beyond the slender means of this municipality to cope with the situation successfully and adequately. It is thus that the necessity has been felt for the measure covered by the resolution moved by my friend Mr. Pal Choudhury. I also agree with him that this is not a controversial matter, and I am deliberately of the opinion that there is nothing to oppose the resolution suggesting levy of a nominal tax, of six pies per head, which I think will not hit hard the pilgrims who are required to incur large expenses towards their travelling costs. In this connection, I think it will not be out of place to mention here that the Provincial Government cannot help in this matter directly, as the final disposal of the matter lies with the Central Government. But I think the Bengal Government can at least render us help by recommending this resolution to the Central Government for favourable consideration, and I see no reason why our popular Government will refuse even this much assistance. With these words, Sir, I lend my full support to the resolution, under consideration.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, under the present somewhat attenuated finances of the Government of Bengal, I would welcome the suggestion from any part of the House to impose taxation on the people of Bengal, even though such taxation may be unpopular. But in this particular case I regret very much that Government has no other alternative but to oppose the resolution. Sir, this is not the first occasion that this matter has been considered by the Government of Bengal. On several occasions in the past this Government has from time to time pressed the Government of India, even in those days when the rights of the Government of India were not so well-determined,—to consider the case of such pilgrim-centres and particularly of Navadwip. The replies we received from the Government of India leave us absolutely no hope whatsoever that the matter can be reconsidered. They point out—and I would request the hon'ble speaker who has moved this motion to consider his view-point as well,—that so far as Navadwip is concerned, although it is a centre of pilgrimage during the solar and lunar eclipses and although during these eclipses there takes place an influx of pilgrims just for a few days, yet there is a constant influx there of pilgrims owing to various other festivities which are held there, such as, the Ras Jatra, the Dol Jatra and Maghi Purnima and Chaitra Sankranti and so on. The municipality has to cope with all this, but the influx from an area of what we may call a free zone of 30 miles is hardly sufficient to justify the imposition of this sort of taxation. A tax of this nature, as hon'ble members must realise, will of course be unpopular to persons who come to the place impelled by religious fervour for the purpose of pilgrimage. This might have been justified had Navadwip been such an all-India place of pilgrimage as Hardwar, Benares or Puri. It is a holy place no doubt but is considered more holy by the Vaisnab sect than by any other sect. Nevertheless, it has not attained that popularity which the places I have mentioned before have. In fact, I believe that opposite this place, a sort of rival birth-place of Lord Gouranga has been put up on the otherside of the Ganges, and the Government of India feel that if they had to concede to such a request in a case like Navadwip they would be overwhelmed with applications from all provinces, all of which contain more or less holy places comparable to Navadwip, both in size as well as in holiness.

Moreover, Sir, I do not think that a taxation of the nature proposed will meet the situation, as a large number of pilgrims also come by boat, some come on foot, and a tax levied only on passengers coming by rail would hardly be equitable.

Mr. RANAJIT PAL CHOUDHURY: I am in a position to inform the Hon'ble Minister that 90 per cent. of the pilgrims come by rail.

The Hon'ble Mr. H. S. SUHRAWARDY: Well, I am glad that the hon'ble mover has received private advice as to the percentage of the pilgrims that come to Navadwip by rail, but our view with regard to it is that the percentage is not so considerable as I think that more persons come from within the free zone than from outside. A legislation similar to the Puri Lodging House Act is also in force in Navadwip, and this Act yields a certain amount by way of taxation, but the amount collected is not very considerable, and it is spent on the advice of a local committee of which the District Magistrate is the President. It is utilized for the purpose of improving the sanitation of the town on the occasion of the pilgrimages. There is another difficulty. There are other municipalities also—I am thinking in particular of the Chittagong Municipality. For instance, the Chittagong Municipality also may apply for such a terminal tax, and from the point of view, though not of sanctity, but of the influx of people to the town, the Chittagong Municipality is a bigger municipality than Navadwip itself and is also of greater importance. There are other bodies also that will similarly come up for such a tax, and the hon'ble members will, I have no doubt, realise that the Government of India will have no other alternative but to turn down the proposal.

Sir, a point has been raised by the hon'ble member that the sanitation of the place is very unsatisfactory, and that the resources of the Navadwip Municipality are not sufficient to meet the requirements of these various pilgrimages. Well, Sir, that may be so, and this point deserves examination. Navadwip Municipality is a fairly important municipality and the rate of assessment on the houses there is higher than that in many other municipalities, this high rate of assessment being made in order that it may be able to meet these various obligations. However, now that the matter has been brought to the notice of the Government, the Public Health Department will examine the question, and it is clear that Government cannot keep silent over the matter if it finds that the sanitary requirements of the town cannot be met by the resources of the municipality alone. We shall certainly look into the matter and see whether we cannot be of any assistance to the municipality, but so far as the imposition of a cess is concerned, I am afraid that Government realise the absolute impossibility of such an imposition and they do not think it advisable. Indeed, I think they would be rather stultifying themselves if this Government were to recommend such a proposal which they know definitely from the papers that they have in their possession, will be turned down by the Government of India.

Mr. RANAJIT PAL CHOUD [illegible] I have to thank the Hon'ble Minister for his partial sympathy, but I am afraid he is perhaps still under the impression that Navadwip is the same Navadwip

as it used to be even ten years ago. I must, therefore, remind him of the fact that within the last decade or so, Navadwip has been connected with another railway, namely, the Eastern Bengal Railway, which has extended its line as far as the Navadwip Ghat, and the number of pilgrims are going up by leaps and bounds every year. The population of Navadwip is not very big. Of course, I am open to correction, but I think it might be something like 40,000; whereas during the last eclipse about 1½ lakhs of pilgrims went to bathe there, and the majority of them stayed there for about a week. This sudden influx of pilgrims for which the Navadwip Municipality is never prepared, naturally leads to the outbreak of epidemics. Regarding the question of a free zone, that it is generally the custom that 30 miles is calculated as the free zone, I do not think it is unreasonable. Besides, the imposition of a half anna tax which is also the general custom, will not result in any loss to the railway company. On the other hand, it is these pilgrims who will be very very largely benefited. Many of them will be saved who might have died through lack of sanitation and other measures. Moreover, Navadwip, as the Hon'ble Minister has said, is a town practically of inter-provincial importance——

Mr. PRESIDENT: If the hon'ble member wants a decision of the House to-day, he must conclude his remarks very soon.

Mr. KANAJIT PAL CHOUDHURY: So, the interprovincial importance of Navadwip should also be considered, because a very large number of Manipuris come to the town, also a good many pilgrims from Assam and Cooch Behar. So, I hope this point will be considered by Government and they will try their best to get a tax imposed. If, however, Government think that the Public Health Department of Government can act as a substitute to this tax, I should be only too pleased to modify the terms of my resolution.

Mr. PRESIDENT: The question before the House is, that this Council is of opinion that the Government of Bengal should take proper steps to move the authorities concerned to levy a pilgrim tax on tickets sold by the different railways to passengers intending to travel to Navadwip and Navadwip Ghat stations during the occasions of solar and lunar eclipses and to make available the proceeds therefrom to the local municipality to enable them to undertake adequate precautionary, sanitary and conservancy measures for the welfare of the pilgrims,

Since which Dr. Radha Kumud Mookherji has moved an amendment to add the words "from outside a zone of 30 miles" after the words "Ghat stations" in the fifth line.

The question before the House is that this amendment be made.

The amendment was agreed to.

Mr. PRESIDENT: I will now put the resolution as amended, namely, that this Council is of opinion that the Government of Bengal should take proper steps to move the authorities concerned to levy a pilgrim tax on tickets sold by the different railways to passengers intending to travel to Nayadwip and Navadwip Ghat stations from outside a zone of 30 miles, during the occasions of solar and lunar eclipses and to make available the proceeds therefrom to the local municipality to enable them to undertake adequate precautionary, sanitary and conservancy measures for the welfare of the pilgrims.

The motion was agreed to.

Mr. PRESIDENT: The resolution is, therefore, carried.

As regards resolution No. 3 standing in the name of Rai Keshab Chandra Banerjee Bahadur, it stands barred, because it is covered by the first resolution which has already been discussed and voted upon.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that this Council is of opinion that a local or public holiday be declared for the *Rathajatra* festival under the Negotiable Instruments Act, at least in the districts of Murshidabad and Hooghly where the Car festival is observed with great pomp and people do give importance to this festival held at various places.

Sir, I think I need not say much on this resolution, as it is known to all members of this House and the Government that the Car festival is a sacred and important festival of the Hindus and even in some districts District Officers have declared it a holiday. But some districts are deprived of that privilege. So, it is my prayer that Government should decide and declare this day as a local holiday.

With these words, as the time is very short, I move this resolution for acceptance of the House.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that a local or public holiday be declared for the *Rathajatra* festival under the Negotiable Instruments Act, at least in the districts of Murshidabad and Hooghly where the Car festival is observed with great pomp and people do give importance to this festival held at various places.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose the resolution. We have got a number of holidays and we do not want to increase it; and so far as *Rathajatra* is concerned it is a local holiday; so, more holidays are not necessary——

Mr. NARESH NATH MOOKERJEE: Is it a local holiday?

The Hon'ble Mr. NALINI RANJAN SARKER: No, it is not a local holiday but we are prepared to accept it as a local holiday, provided a holiday on some other Hindu festivities is cut. The number of holidays is very large and we do not want to increase it. And if it is so important then we are prepared to give a local holiday, provided it is curtailed from some other local holiday.

Rai SURENDRA NARAYAN SINHA Bahadur: I would suggest that instructions be issued by Government to District Officers if that is possible.

Mr. PRESIDENT: The suggestion of the Hon'ble Minister is that if the local people are agreeable to substitute this holiday for some other Hindu holiday, Government are prepared to give effect to it. On this condition are you prepared to withdraw this resolution?

Rai SURENDRA NARAYAN SINHA Bahadur: Yes.

Mr. PRESIDENT: Is it the pleasure of the House to permit the hon'ble member to withdraw the resolution?

(Consent of the House was received.)

Mr. PRESIDENT: By permission of the House the resolution is withdrawn

Dr. ARABINDA BARUA: Mr. President, Sir, in view of what the Hon'ble Finance Minister has said in connection with the resolution which was moved by Mr. Sinha, I do not propose to move my resolution.

Mr. PRESIDENT: Order, order. The House stands adjourned till 3-30 p.m. on Friday, the 10th February, 1939.

Adjournment.

The Council then adjourned till 3-30 p.m. on Friday, the 10th February, 1939.

Members absent.

The following members were absent from the meeting of the Council held on the 9th February, 1939:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mrs. K. D'Rozario.
(3) Mr. Mohamed Hossain.
(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(5) Mr. T. Lamb.
(6) Mr. H. P. Poddar.
(7) Rai Sahib Indu Bhusan [illegible]
(8) Rai Sahib Jatinda Mohan Sen.
(9) Mr. D. H. Wilmer.

B. G. Press—1938-39—12289A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 10th February, 1939, at 3-30 p.m., being the third day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Hill exodus.

26. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether on the 19th August, 1938, in reply to my question No. 57 regarding Hill Exodus, the Hon'ble Minister promised to furnish information regarding cost involved in holding Select Committee meetings at Darjeeling during the last Summer Exodus? If so, will that information be furnished now and will the Hon'ble Minister now state what added with this cost was the total expenditure including the expenditure of His Excellency the Governor and his staff during the last Summer Exodus to Darjeeling?

(*b*) What has been the excess in expenditure for the last Summer Exodus to Darjeeling compared with the total expenditure for the Summer Exodus there in 1937?

(*c*) What has been the total expenditure for the last Autumn Exodus (1938) to Darjeeling?

(*d*) Who were the officials including Ministers and Secretaries and others qualified, who did not avail themselves of the opportunity to go to Darjeeling during the last Autumn Exodus or did all go?

(*e*) Following the examples of the Congress Governments at Madras, Bombay and United Provinces, do Bengal Government propose to save costs by giving up the Hill Exodus? If not, why not?

(*f*) Did the Swan Committee of 1932 suggest retrenchment by giving up at least one exodus to Darjeeling? If so, why has not the Bengal Government accepted this suggestion at least *in toto* as yet?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) The cost on account of Select Committees was Rs. 5,848. This added to the figure which I gave

in reply to the hon'ble member's question at the last session makes Rs. 69,472 in all. It may add for the information of the hon'ble member that the cost of the visits of His Excellency the Governor and his staff to Darjeeling is more than counterbalanced by savings on the Calcutta establishment.

(*b*) Rs. 6,452.

(*c*) Rs. 37,325.

(*d*) A statement is laid on the table.

(*e*) and (*f*) Government have not yet decided to abolish either trip, but they curtailed the second trip in 1938.

Statement referred to in the reply to question No. 26, showing the list of officials, entitled to go to Darjeeling, who did not avail themselves of the opportunity of going there during the last Autumn Exodus.

(1) Hon'ble the President, Legislative Council.
(2) Hon'ble the Speaker, Legislative Assembly.
(3) Secretary, Legislative Council Department.
(4) Member, Board of Revenue.
(5) Commissioner of Excise and Salt.
(6) Director of Agriculture.
(7) Director of Public Health.
(8) Director of Public Instruction.
(9) Inspector-General of Police.
(10) Inspector-General of Registration.
(11) Registrar, Co-operative Societies.
(12) Surgeon-General with the Government of Bengal.
(13) Chief Engineer, Irrigation.

Public holiday for Vaisakhi Purnima.

27. Dr. ARABINDA BARUA: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether he is aware of the fact that the *Vaisakhi Purnima*, the day of the birth, enlightenment and death of Lord Buddha, is observed by the Buddhists and a large number of the Hindus of this Province as a day of great festival;

(*ii*) whether he is aware of the fact that there is a great demand among the Buddhists as well as the Hindus for having the day declared a public holiday;

(*iii*) whether the Government are aware that Gautama Buddha, besides being the founder of the Buddhist religion, is also regarded by the Hindus as one of their *avatars;* and

(*iv*) whether he is also aware of the fact that the Buddhists and Hindus who observe this day as a day of festival, are put to much inconvenience owing to the Government's not declaring the day as a public holiday?

(*b*) Does the Hon'ble Minister propose to declare the *Vaisakhi Purnima*, a gazetted holiday?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) (*i*) My information is that the celebration of the festival is confined to Buddhists whose total population in Bengal numbers 316,031 of whom the greater number, viz., 233,242 are to be found in Chittagong Division.

(*ii*) I have seen a few representations from Buddhist organisations and have recently agreed to grant five days' sectional holidays (including *Vaisakhi Purnima*) for Buddhists in the Chittagong Division.

(*iii*) Yes.

(*iv*) Our calendar is already heavily burdened with holidays and I think that the action I have taken by granting sectional holidays for Buddhists in the Chittagong Division sufficiently meets the real needs of the case.

(*b*) The answer is in the negative.

Mr. KADER BAKSH: Does not the Hon'ble Minister think that sectional holidays are absolutely meaningless, and it causes hardship to the people? As, for example, I might say that on the last *Bakrid* festival Muhammadans were given two additional holidays which may be called sectional holidays——

The Hon'ble Mr. NALINI RANJAN SARKER: I have never said anything about Muhammadan holidays on this occasion.

Mr. KADER BAKSH: On such sectional holidays only Buddhist employees in Government service will not come, but others will have to come. For example, pleaders will have to come though they may be Buddhists; nay, they will be compelled to come to courts for their business.

The Hon'ble Mr. NALINI RANJAN SARKER: Will the hon'ble member please repeat his question?

Mr. KADER BAKSH: Sir, my question was this: Does not the Hon'ble Minister think that sectional holidays should be turned into general holidays in the interest of the efficiency of administration and also for the purpose of giving them an opportunity of enjoying the holidays peacefully?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Mr. NARESH NATH MOOKERJEE: I take it, Sir, that our present Government is also representing the minority communities in Bengal. In view of the fact that there is not even one Buddhist holiday in the Scheduled List, will Government consider declaring this most important Buddhist festival a holiday?

The Hon'ble Mr. NALINI RANJAN SARKER: I have done what I could. I am not prepared to take any other action.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that sectional holidays really mean no holidays at all?

The Hon'ble Mr. NALINI RANJAN SARKER: That is not so.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that sectional holidays mean further accumulation of work and further labour for the persons who are supposed to be enjoying these sectional holidays?

The Hon'ble Mr. NALINI RANJAN SARKER: All holidays are like this.

Dr. RADHA KUMUD MOOKERJI: Sir, in view of the specially sacred character of the particular day mentioned, a day sacred both to the Hindus and to the Buddhists, and in view of the fact that the Buddhists, culturally speaking, need not be regarded as a separate community, may I ask the Hon'ble Finance Minister to show a little more condescension in the matter of that singularly sacred day by including that day in the list of holidays?

The Hon'ble Mr. NALINI RANJAN SARKER: Is that a question, Sir, from an ex-Leader of the Opposition?

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if, in view of the fact that he has been pleased to

grant this holiday for the Buddhists in the Chittagong Division, he will allow that holiday to be extended to the Buddhists only in the rest of the province?

The Hon'ble Mr. NALINI RANJAN SARKER: I shall consider that.

Mr. LALIT CHANDRA DAS: Thank you.

Comments on the White Paper.

28. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Finance Department kindly state if he has taken note of the comments of the members of the Council on the White Paper showing steps taken and proposed to be taken on the recommendations of the Swan Retrenchment Committee?

(*b*) Do the Government propose to appoint a Committee consisting of members of both Chambers to examine the White Paper proposals and to give their considered opinion on each item?

(*c*) Will the Government be pleased to state whether any modifications are being proposed by them with regard to the suggestions made in the Council?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes.

(*b*) No.

(*c*) A further review was ordered and a further White Paper will soon be issued.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister please state the grounds for which he does not like to appoint a committee to examine this proposal?

The Hon'ble Mr. NALINI RANJAN SARKER: Because the Special Officer is doing his work, and until that is finished it is no use appointing a committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Could we expect that after the Special Officer's work is finished, he will be pleased to appoint a committee?

The Hon'ble Mr. NALINI RANJAN SARKER: May be: I cannot say definitely.

Mr. HUMAYUN KABIR: I could not hear the preceding question properly and so perhaps my question may be the same as the previous question, but what I wanted to ask is: does the Hon'ble Minister consider the advisability of appointing a committee when this Special Officer has prepared his report?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot say that now.

Akhaura as an important centre of jute trade.

29. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that Akhaura in the district of Tippera (Brahmanbaria subdivision) is an important centre of trade in jute?

(*b*) Is it a fact that Akhaura jute is one of the best type in Bengal in quality?

(*c*) Is it a fact that the only possible mode of carrying jute to Akhaura for sale is by boat by river Titash?

(*d*) Is it a fact that by accumulation of sand silt carried by river Hourah from Tripura Hills, Titash is being gradually silted up at the place where Hourah river joins with it? Is it a fact that the river Titash has been rendered unfit for navigation by ordinary country boat by the gradual raising of its bed at the said junction of the two rivers?

(*e*) Do Government propose to take such steps as will not allow any accumulation of sand and silt at the said junction and will wash such sand and silt carried by the current of the stream in future?

(*f*) Are Government aware that the present course and the direction of the current of Hourah river at the said junction is of such a nature that it impedes the easy flow of the stream of Titash river thereby causing an accumlation of sand and silt deposits at the said place?

(*g*) Do Government propose to get expert opinion whether it is at all possible to change the course of the river Hourah near that junction in such a manner as will not allow any accumulation of sand or silt deposit and will also increase the strength of the current of both the rivers in such a manner as to allow the stream to wash away the silt and sand?

(*h*) Do the Government propose to take any steps to change the course of the river Hourah at the said junction or adopt any other means to remedy the existing state of affairs?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*d*) Yes.

(*b*) I have no information.

(*c*) Carriage by boat appears to be the most economical.

(*e*) to (*h*) Expert opinion holds that the siltation in the Titash river from Akhaura to Ujanishar and the lower reach of the Hourah river is mainly due to the Meghna flood at Lalpur holding up the discharge of the Titash and that diversion of the course of the Hourah river will not change the situation. No other remedy which is suitable for adoption can be suggested by the experts.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if Government is contemplating the adoption of any remedy for the purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I have already said that no remedy can be suggested even by experts for the time being.

Adjournment motion.

Mr. PRESIDENT: I have received notice of an adjournment motion from Khan Bahadur S. Fazal Ellahi to move that the business of the Council be adjourned for the purpose of discussing a definite matter of public importance to show the sympathy of this House in general and of the Bengal Muslims in particular, with the Palestine Arabs and Palestine affairs on whom untold miseries and hardships are being wrought in their fight for the protection of their rights and self-respect, by the Mandatory Power and the Jews to record its complete sympathy with the Arabs and assure them that Bengal is——

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, if I may be allowed to interrupt, the gentleman who gave notice of this motion is not present in this House.

Mr. PRESIDENT: Well, I am merely reading it:—beind them in their ordeal at this moment of despair. I understand the hon'ble member is not present in this House, so I think there is no necessity of placing the motion before the House.

Mr. KADER BAKSH: Cannot, Sir, any other member move it on his behalf?

GOVERNMENT BILLS.

The Bengal Jute Ordinance, 1938.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I place copies of the Jute Ordinance before the House?

Mr. PRESIDENT: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I lay before the House a copy of the Jute Ordinance, 1938.

Mr. PRESIDENT: The Secretary will please circulate copies of the Jute Ordinance to the hon'ble members.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I, Sir, with your permission, give notices of two motions on behalf of Mr. Tamizuddin Khan who is unavoidably absent to-day, in connection with two non-official Bills?

I have the honour to give notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill to amend the Bengal Juvenile Smoking Act, 1919, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1939, namely, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1939.

I have also the honour to give notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Food Adulteration Act, 1919, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1939, namely, that the Bill be circulated for the purpose of eliciting opinion thereon by 30th June, 1939.

The Bengal Tenancy (Second Amendment) Bill, 1938.

Mr. PRESIDENT: The House will now take up the item relating to the motion of Sir Bijoy Prasad Singh Roy that the Bengal Tenancy (Second Amendment) Bill, 1938, be taken into consideration.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I, Sir, rise on a point of order? I take objection to this Bill being taken up to-day. In accordance with section 83 of the

Rules and Standing Orders of this House, seven days' notice is required, and I hope you will see that the rights of this House are not trampled down in this case, and that the Hon'ble Minister gives us the usual seven days' notice to send in amendments that we might think fit.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as you are aware it is your ruling that Ministers of Government should give notice on the floor of the House personally. So, I could not give notice earlier and I would request you, Sir, to relax the rule in your discretion to shorten the period of notice, if you may be so pleased.

Mr. PRESIDENT: The Chair has on several occasions in the past suspended the provisions of this rule. But such procedure cannot be expected to be repeated on every occasion, particularly when it tends to encroach on the rights of the members of this House. I had occasion to explain at length the reasons why the rights of the Hon'ble Ministers who are not members of this House are, unlike those of the members, strictly limited to the proceedings as take place within the four walls of this Chamber. Difficulties which have been pointed out by the Hon'ble Minister on the present occasion are likely to occur frequently so long as at least one or two Ministers are not appointed from amongst the members of this House. I am afraid I cannot overlook the point of order so strongly pressed by the Maharaja of Santosh and I am not inclined to suspend the provisions of this rule which seems to have been observed more in the breach than in its observance, so far.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What is the period of notice that you consider necessary, Sir?

Mr. PRESIDENT: Full seven days.

The next motion involves the same rule as regards the period of notice. As there is no other work, the House now stands adjourned till 3-30 p.m. on Monday.

Adjournment.

The Council then adjourned till 3-30 p.m. on Monday, the 13th February, 1939.

Members absent.

The following members were absent from the meeting held on the 10th February, 1939:—

(1) Mrs. K. D'Rozario.
(2) Khan Bahadur S. Fazal Ellahi.
(3) Nawabzada Kamruddin Haider.
(4) Mr. Mohammed Hossain.
(5) Mr. T. Lamb.
(6) Mr. J. McFarlane.
(7) Mr. H. P. Poddar.
(8) Rai Sahib Jatindra Mohan Sen.
(9) Mr. D. H. Wilmar.

B. G. Press—1938-39—1250A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 13th February 1939, at 3-30 p.m., being the fourth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Chaukidari Enquiry Committee.

30. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether in respect of the following Committee appointed by the Government any provision has been made for getting *interim* report as to the progress of the work done by such Committee:—

"The Committee appointed to enquire into the working of the Chaukidari system throughout the Province of Bengal"?

(*b*) Has any *interim* report been made by the said Committee?

(*c*) Do the Government intend to give publicity to the *interim* reports, if any, received by them?

(*d*) Have any steps been taken by the Government to keep itself and the public informed of the progress and the nature of work done by that Committee?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) Government have kept themselves constantly informed of the progress of the work of the Committee. No useful purpose would be served by informing the public of the work of the Committee during the progress of their deliberations.

The Bengal Cruelty to Animals (Amendment) Act.

31. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) when the Bengal Cruelty to Animals (Amendment) Act received the assent of His Excellency the Governor and when it was published in the *Calcutta Gazette*;

(*b*) whether the Hon'ble Minister as Chairman of the Select Committee and also while submitting the Report of the Select Committee to the Council promised there to extend without delay the operations of the Amending Act by Gazette notification to the districts of Howrah and 24-Parganas and whether such promise appeared also in the Select Committee Report;

(*c*) whether that promise has been carried out; if so, by what Gazette notification; and if not, whether Government propose to do so now;

(*d*) whether Government is aware that people of Burdwan and Hooghly held meetings and made representations to extend the operations of that Amending Act to those districts also; and

(*e*) whether Government propose to extend the Act to those districts also?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The assent of His Excellency the Governor was received on the 6th of April, and the Act was published in the *Calcutta Gazette* of the 5th May, 1938.

(*b*) It was stated that Government proposed to extend the Act to the districts of 24-Parganas and Howrah.

(*c*) The Act can only be extended if organisations are set up to work its provisions. Negotiations which are not yet complete are at present in progress with certain societies and municipalities of the two districts for the purpose.

(*d*) Government are aware that a meeting was held in Burdwan but they have no information that any meeting was held in Hooghly.

(*e*) Not at present.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state when the negotiations were started? This arises out of the answer to clause (*c*).

The Hon'ble Khwaja Sir NAZIMUDDIN: Soon after the passing of the Act.

Mr. LALIT CHANDRA DAS: I desire to know the month in which the negotiations were started.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state when the negotiations are likely to be complete?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends upon when those people are in a position to put up the money and set up an organisation. I may add that the hon'ble member must realise that a mere extension of the Act will not serve any useful purpose, unless and until there is an organisation, and unless and until there is a fund provided to give effect to the provisions of the Act, e.g., the establishment of way-bridges for the detection of cases of overloading under section 13; establishment of infirmaries for the treatment and care of animals in respect of which the offences are said to have been committed under section 14; appointment of veterinary inspectors, and way-bridge officers under section 15; opening of a central store-house to keep the excess loads removed from the animals or any loads carried by the animals seized. It has also to be determined whether the fines realised under the Act should be credited to Government or to any corporate body to whom it may be decided to entrust the administration of the Act.

Mr. LALIT CHANDRA DAS: Were negotiations started with the Howrah Municipality?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: In what stage are those negotiations now?

The Hon'ble Khwaja Sir NAZIMUDDIN: We are waiting for their formal proposals to be made.

Mr. LALIT CHANDRA DAS: Can the Hon'ble Minister give us a probable time by which these negotiations are likely to be completed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, I have already stated that it all depends upon when these people can find the money and set up an organization. The matter does not lie with the Government.

Medical aid to women in the villages.

32. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what steps the Government have taken up to this date to bring medical aid to women in the villages?

(*b*) How many hospitals and dispensaries have been established in Bengal exclusively for the village womenfolk of this province?

(c) Have the Government ever tried any experiment of starting any "travelling hospital on wheels" for the benefit of the women of the villages? If not, do the Government intend to start the same in the near future?

(d) What amount of money a year do the Government spend on medical relief for the women in this province?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Public Health and Medical Department): (a) Women are treated in the same institutions in the villages as men. No special steps have been taken by Government for providing separate medical treatment for women in the rural areas.

(b) No dispensaries or hospitals for the exclusive use of village women have been established by Government. The only hospital in the province known to provide medical aid exclusively for village womenfolk are the Ratanpur Mission Female Hospital in the district of Nadia and the Jiaganj Mission Hospital in the district of Murshidabad.

(c) No.

(d) No separate figures are maintained in respect of expenditure on medical relief for women in the province as a whole.

Mr. HUMAYUN KABIR: In view of the general prejudice in the rural areas of women to take the same medical relief as men, do Government propose starting any special arrangements for women?

The Hon'ble Mr. H. S. SUHRAWARDY: It is firstly and primarily the concern of the local body to make arrangements for medical relief in rural areas; secondly, I do not agree about the hon'ble member's statement about there being a general prejudice among women to attend the hospitals.

Mr. HUMAYUN KABIR: Have Government any information about the relative proportion of men and women treated in the rural hospitals?

The Hon'ble Mr. H. S. SUHRAWARDY: No; there is no such information in the possession of Government.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that in the District Boards and Government dispensaries there are separate entrances for men and women?

The Hon'ble Mr. H. S. SUHRAWARDY: Not in all dispensaries.

Distribution of Bulls.

33. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble Minister in charge of the Veterinary Department be pleased to state whether it is a fact that bulls of improved breed were distributed by the Government for improving the breed of the country cattle and for encouraging the rearing of well-known breeds of heavy milkers in Bengal, and if so, is he aware that the object of such distribution has failed as the upkeep of such bulls presents difficulties for want of suitable pasturage in spite of the free supply of napier cuttings by Government farms for local cultivation to produce fodder for such cattle?

(*b*) If so, does the Hon'ble Minister propose to take suitable legislative or other measures to provide suitable provision of grazing grounds in villages and unions?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca (on behalf of Minister in charge of the Veterinary Department): (*a*) Bulls of improved breed have been distributed by Government for improving the breed of cattle in the province. These bulls are being maintained mostly free of cost by the local people and the Union Boards are rendering considerable assistance in the matter. Difficulties are however being felt in some places on account of wilful neglect of the bulls by the caretakers but prompt action is always taken to relieve such caretakers of the bulls in their charge and to put better men in their places. It is not correct to say that any difficulty is being felt, far less to say that the scheme has failed on account of want of suitable pasturage. On account of the pressure of population on land suitable for habitation or cultivation, the provision of adequate pasture-lands in this province is not a practical proposition nor do they afford a solution for the problem of fodder in the province. The department is trying to solve the problem by popularising the cultivation of fodder crops, particularly Napier grass. It has been found on experience that an acre of Napier grass maintains ten animals in good condition whereas an acre of pasture is not enough even to keep one animal in good condition. If the advice of the department is accepted by all, it will be enough to grow Napier grass on the little fallow land attached to every homestead and it will not be necessary to convert valuable arable lands into pastures which would be both uneconomical and impracticable. The department is also encouraging other forms of fodder such as silage-making, etc.

(*b*) Does not arise.

Mr. RANAJIT PAL CHOUDHURY: Is the Government aware that most of these bulls have turned out to be very poor specimens?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: So far as Government are aware, it is not so.

Mr. RANAJIT PAL CHOUDHURY: Is any pedigree kept regarding the distribution of these bulls?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that these bulls were offered by Government for sale to the public at Rs. 250 per head?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of the fact, Sir. I will enquire.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that for these bulls Government offered a maintenance-premium of Rs. 10 a month?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of the fact, Sir.

Adjournment Motion.

Mr. PRESIDENT: Order, order.

I have received notice of a motion to adjourn the business of the House from Rai Keshab Chandra Banerjee Bahadur, which reads thus:

"That the House do now adjourn to discuss the situation created in the district of Noakhali due to communal riots leading to the petition of the people to the Subdivisional Officer, Feni, the District Magistrate of Noakhali, and to the Commissioner of the Chittagong Division about the anarchical and chaotic state of affairs in the said district."

Before I decide whether this motion is in order or not, will the hon'ble member concerned explain how his motion may be regarded as of public importance?

Rai KESHAB CHANDRA BANERJEE Bahadur: Yes, Sir, it is in this way. It was only yesterday that my attention was drawn to a petition submitted to the Subdivisional Officer, Feni, by certain residents of Sonagachi police-station in the Feni subdivision of Noakhali district, drawing the attention of the local authorities to certain excesses committed by unruly persons in the said subdivision. Sir, may I have your permission to read the petition?

Mr. PRESIDENT: Yes, you may.

Rai KESHAB CHANDRA BANERJEE Bahadur: The petition is in Bengali.

"আমরা হিন্দুগণ মুসলমানদের সহিত বন্ধুভাবে বহুবৎসর পর্য্যন্ত বাস করিয়া আসিতেছি। উভয় সম্প্রদায়ের মধ্যে মনোমালিন্য খুব কমই ঘটিয়াছে। মাসাধিক পূর্ব্ব হইতে কতিপয় গুণ্ডা প্রকৃতির মুসলমান স্বীয় স্বার্থ সিদ্ধির উদ্দেশ্যে বাজারে বাজারে ও গ্রামে গ্রামে সাম্প্রদায়িক বিদ্বেষ প্রচার করিয়া বেড়াইতেছে। স্থানীয় হিন্দুগণ কলিকাতা হইতে হয়, সাত শত সশস্ত্র হিন্দু মুসলমানদিগকে জব্দ করিবার জন্য আমদানী করিতেছে, এইরূপ মিথ্যা কথা প্রচার করিয়া মুসলমানদের মধ্যে সাম্প্রদায়িক বিদ্বেষ বুদ্ধি জাগাইয়া তোলা হইতেছে। সম্প্রতি নিকটবর্ত্তী সুন্দরপুর ও লেমুয়া বাজারে হিন্দুদের দোকান হইতে মুসলমানগণ যাহাতে কোন জিনিষ খরিদ না করে তজ্জন্য প্রচার কার্য্য চালাইয়াছে এবং শেষোক্ত বাজার গত ১৫।১০।৪৫ বাংলা তারিখে হিন্দু দোকানে মুসলমান পিকেটিং করিয়াছে। দলবদ্ধভাবে এরূপ সাম্প্রদায়িক বিদ্বেষ প্রচারের ফল সম্প্রতি মুহুরীগঞ্জ ষ্টেশনের নিকট সহস্রাধিক মুসলমান কর্ত্তৃক কয়েকটী হিন্দু মহাজনের গৃহ-লুণ্ঠন দ্বারাই প্রকাশ পাইয়াছে। অতএব সবিনয় প্রার্থনা, সম্প্রতি কতিপয় মুসলমান সাম্প্রদায়িক বিদ্বেষমূলক যে প্রচার কার্য্য চালাইয়াছে তাহা বন্ধ করিবার জন্য এবং আমরা হিন্দুগণ সংখ্যালঘু হিসাবে যাহাতে কোন প্রকার ক্ষতিগ্রস্ত ও উৎপীড়িত না হই অনতিবিলম্বে তাহার ব্যবস্থা করার আদেশ হয়।"*

It is understood that about 90 villagers have signed the representation. Then, Sir, the Subdivisional Officer of Feni has issued a notice on the people of the subdivision which runs as follows:——

Mr. PRESIDENT: You may give us only the substance of the notice instead of reading the whole of it.

Mr. HAMIDUL HUQ CHOWDHURY: May I know, Sir, from what paper he is reading? He seems to be reading from a newspaper.

Rai KESHAB CHANDRA BANERJEE Bahadur: It is from *Desher Bani*, a weekly paper published in the Noakhali district which contains this notice.

(Several hon'ble members wanted to know the date on which the notice was published in the paper referred to.)

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. The hon'ble member is rather giving the facts about his motion than giving reasons that would make it of public importance.

Mr. PRESIDENT: That is exactly what I wanted to know from the hon'ble member. He is to satisfy the Chair that the matter referred to in his motion is of public importance. If it is based simply on a petition reported to have been submitted by certain persons to the district authorities, then I am afraid it would be difficult to regard the matter as of public importance.

* Authorised English translation of this Bengali extract will be found in the Appendix.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, it is not my intention to embarrass the Government in any way by bringing forward this motion. My object is only to draw the attention of the Government to the report which has been published in the newspaper so that the Government may be in a position to look into the matter and take appropriate action.

(Again there was a demand from several members to know the date of the paper.)

Mr. PRESIDENT: But, how do you make out that your motion is urgent?

Rai KESHAB CHANDRA BANERJEE Bahadur: It is urgent, Sir, because these riots have culminated in injuries to the public and also in loss of property.

Mr. HAMIDUL HUQ CHOWDHURY: Does the hon'ble member take upon himself the responsibility for the statement made in the newspaper referred to? It may be that it is quite a fictitious story given currency to in that local paper.

Rai KESHAB CHANDRA BANERJEE Bahadur: If it is a fictitious story, then the paper responsible for the publication of the story may be brought to book.

The Hon'ble Khawaja Sir NAZIMUDDIN: Under what Act? There is no section in any Act under which you can prosecute such men.

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, there is an Act under which you can prosecute them.

The Hon'ble Khwaja Sir NAZIMUDDIN: What is that Act, please name it?

Mr. NARENDRA CHANDRA DATTA: Well, consult your own lawyers? (Laughter.)

Mr. PRESIDENT: Your motion says that communal riot has given rise to an anarchical and chaotic state of affairs in the district. If you want to maintain that position on the basis of information other than what is contained in the petition published in a local paper, then, of course, the matter may be held to be of public importance. But if the motion is based only on a petition submitted to the district authorities, I am afraid it cannot be regarded as urgent.

Rai KESHAB CHANDRA BANERJEE Bahadur: I have already stated the urgency of the matter, and with regard to the second point, namely, how it is a matter of urgent public importance, I would like to add that it is self-evident that it concerns the welfare of a large number of people of that district. From past experience we have seen that unless these things are nipped in the bud, the whole district may be involved in serious disturbances, and we want to avoid that.

Mr. HAMIDUL HUQ CHOWDHURY: May I support him, Sir, in saying that it is very urgent? But before supporting it on the ground of urgency, I would like to know whether the hon'ble member is prepared to take upon himself the responsibility for the truth of the facts, whether he has made personal enquiries and found that really a petition like this has been submitted, and whether persons whose names appear are in existence really, or whether it is a fictitious propoganda by a certain paper which so long lived in obscurity and wants suddenly to come into limelight.

Rai KESHAB CHANDRA BANERJEE Bahadur: With regard to the point about personal enquiry, I would like to mention——

Mr. PRESIDENT: Order, order. That is not necessary. Exhaustive personal enquiries, as suggested by Mr. Hamidul Huq Chowdhury, may not always be possible before tabling an adjournment motion inasmuch as one of the essential conditions which have got to be fulfilled in the case of such a motion is that the incident referred to must be of recent occurrence. But I think the hon'ble member, who has given notice of this motion ought to be in a position to take upon himself the responsibility for the statement about the situation in the Noakhali district which has appeared in the local weekly paper referred to by him. By the way, has that report appeared only in one paper or in several papers?

Rai KESHAB CHANDRA BANERJEE Bahadur: I have read the report in two papers, one a local paper *Desher Bani* and another a Calcutta daily The reports have been published in *Ananda Bazar Patrika* in Calcutta.

The Hon'ble Mr. H. S. SUHRAWARDY: I understand, Sir, that the local weekly paper referred to also does not accept any responsibility for the report. It merely sets out a petition.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, may I make a suggestion? I think as the Leader of this Party I should be able to persuade my friend not to press the motion provided the Government is in a position to make a statement

now to allay the anxiety that is being felt on this side of the House. Whatever information they do possess may be furnished to the House. It may be taken as a short-notice question, if you so please.

Mr. PRESIDENT: The purpose of an adjournment motion is primarily to draw the attention of the House and of the Ministers to certain definite matter of urgent public importance and to enable the House to discuss the same and thus give the Ministry of the day a chance to justify their action. I would like to hear what the Hon'ble Home Minister has got to say on this.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. First of all, the matter is very soon going to be *sub judice* as the local police have started one or two cases. But in view of the request——.

Mr. PRESIDENT: Has there been any case started already?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so. But I think, Sir, that in view of the statement that has been made by the mover, I should say a few words. Actually there is evidence to show that all those people whose houses were invaded by the crowd testified that the local Muslims came out and defended them. Practically no body was seriously injured and the whole trouble was due to the rumours that a very large number of up-country Hindus had been brought in to stop the Muslims from performing *Korbani*. But as soon as they realized that the rumour was not true, the crowd dispersed. There was slight damage to property but practically nobody was injured, and certainly there is no apprehension of any serious riot at the present moment nor has there been any serious riot in the Noakhali district during the last two or three months.

Mr. PRESIDENT: Motions for adjournment should always be construed very strictly, and unless a case has been made out about the urgency of the matter in regard to which a discussion is sought to be raised, the motion will not, strictly speaking, be in order. However, I think, that after the statement made by the Home Minister, the mover will not press his motion. Otherwise, I shall have to give my ruling as to whether his motion is in order or not.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, it has never been my intention to press this motion to vote and in view of the candid and reasonable statement made by the Hon'ble Home Minister, I take leave of the House to withdraw the motion.

Mr. PRESIDENT: It is not necessary. It has not been put before the House yet. I take it that you do not want to press it.

GOVERNMENT BUSINESS.

The Hon'ble Nawab Khwaja HABIBULLAH Bahdaur, of Dacca: I have the honour to give notice of my intention to move the following resolution during the current session of the Bengal Legislative Council:—

"This Council is of opinion that it is desirable that the following matters being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely, (1) statistics of employment and (2) offences against and jurisdiction and powers of Courts with respect to the said Act of the Federal Legislature".

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to give notice that I intend to move the following amendment with regard to the motion to be moved by Mr. Nur Ahmed, M.L.C., that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1939.

The amendment is that the said Bill be circulated for the purpose of eliciting public opinion thereon by the 30th August, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have the honour to give notice that I intend to move on the 17th February during the current session of the Bengal Legislative Council that the Bengal Tanks Improvement Bill, 1938, be taken into consideration, and that the Bill, as settled in Council, be passed.

Sir, by an oversight the notice of the motion was not given on the first day, and may I request you, Sir, to suspend the rules of business and allow this motion on short notice

Mr. PRESIDENT: I hope there will be no objection from the members about it.

(There was no objection from any quarter.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the ensuing session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Non-Agricultural Tenancy Bill, 1937, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by the 29th of February, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the ensuing session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Land Alienation Bill,

1938, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st August, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that at the ensuing session of the Bengal Legislative Council I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Emergency Rent Remission Bill, 1938, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by 29th February, 1940.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I have the honour to give notice that I intend to move the following amendment with regard to the—

(1) Mussalmans' Matrimonial Jurisdiction Bill by Mr. Hamidul Huq Chowdhury,

(2) Indian Bar Council Bill by Mr. Hamidul Huq Chowdhury,

(3) The Bengal Abolition of Dowry Bill by Rai Surendra Narayan Sinha Bahadur.

The amendment is that the Bills be circulated for eliciting public opinion thereon by the 15th June, 1939.

The Bengal Repealing and Amending Bill, 1938.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Repealing and Amending Bill, 1938, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Repealing and Amending Bill, 1938, be taken into consideration.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that Schedule 1 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that Schedule 2 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that the short title and preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Repealing and Amending Bill, 1938, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Repealing and Amending Bill, 1938, as settled in the Council be passed.

(The motion was agreed to.)

NON-OFFICIAL BUSINESS.

Presentation of the Report of the Select Committee on the Bengal Relief to Poor and Unemployed Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I with your permission present a report of the Select Committee on the Bengal Relief to Poor and Unemployed Bill, 1937, introduced by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C.

(The report was placed on the table by the Secretary.)

Mr. PRESIDENT: Order, order. The House will take up the motions under section 118 of the Rules and Standing Orders for consideration to-morrow and copies of the motions will be duly circulated to members.

The House now stands adjourned till 3-30 p.m. to-morrow.

Adjournment.

The Council then adjourned till 3-30 p.m. on Tuesday, the 14th February, 1939.

Members absent.

The following members were absent from the meeting held on the 13th February, 1939: —

(1) Khan Bahadur Nazirnddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Moazzemali Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Khan Bahadur S. Fazal Ellahi.
(6) Mr. Kanai Lal Goswami.
(7) Mr. Latafat Hossain.
(8) Mr. Mohammad Hossain.
(9) Mr. T. Lamb.
(10) Mr. H. P. Poddar.
(11) Rai Sahib Indu Bhusan Sarkar.
(12) Rai Sahib Jatindra Mohan Sen.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Mr. D. H. Wilmar.

B. G. Press—1938-39—12351A—750.

BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 14th February, 1939, at 3-30 p.m., being the fifth day of the First Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Accommodation for private Colleges' Union, etc.

34. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the private colleges are always forced to provide a hall for the meetings of the College Union, the Debating Club, and other such institutions in a college?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): No, but every college is expected to provide such a hall to foster corporate life among students.

Khan Sahib ABDUL HAMID CHOWDHURY: In view of the fact that the reply given relates only to a part of the main question, will the Hon'ble Minister please state when a reply to the other part may be expected?

The Hon'ble Khwaja Sir NAZIMUDDIN: When the answer is ready.

Khan Sahib ABDUL HAMID CHOWDHURY: Is it not unusual, Sir, to reply to interpellations in this way?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. On the other hand, it is just to avoid delay that would be involved in answering the whole question that this method has been adopted.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, I think I should make my point clear. Most probably I should have to base my supplementary questions on the replies which may be forthcoming later on in respect of the other parts of my question. So, if I should have to refer to this part, most probably I shall be asked to give fresh notice and this will cause inconvenience.

Mr. PRESIDENT: No fresh notice will be necessary in this case.

Allowance to ex-detenus.

35. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of ex-detenus who were granted allowance after their release;

(*ii*) the period for which allowance was granted and paid;

(*iii*) the maximum and minimum amount of allowance granted *per capita;*

(*iv*) the number of ex-detenus whose allowance has been discontinued or stopped and the reasons for such action and the names of those released ex-detenus whose allowance has been stopped;

(*v*) the number of those ex-detenus who were not granted any allowance after release?

(*b*) Will the Hon'ble Minister be pleased to state, whether it is a fact that Babu Lalit Mohan Burman, an ex-detenu of Brahmanbaria, Tippera, was refused any allowance after release on the ground of his taking up political work?

(*c*) If so, what does the Government mean by political work? Is work in connection with the Congress included in it?

(*d*) Is there any other ground for this refusal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir NAZIMUDDIN): (*a*) The information is not readily available. If the hon'ble member desires information in any specified case or cases, I will endeavour to supply it after due notice.

(*b*) No.

(*c*) Does .

(*d*) Yes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please give reasons for the refusal of allowance to Lalit Burman?

The Hon'ble Khwaja Sir NAZIMUDDIN: Allowances were sanctioned where necessary to enable the detenus to avoid destitution, while starting afresh to earn their living. In this case, as the man was touring extensively and apparently made no attempts to settle down, an allowance was adjudged unnecessary.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if the Government tried to ascertain why this man was touring about?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as my information goes,—purely for political propaganda.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please enlighten us further as to what he means by the term "political progaganda"? Does he mean work in connection with the Congress?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, that may be one of the meanings.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if work in connection with the Congress disqualifies a detenu from getting any allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if, except working in connection with the Congress there was any other reason which debarred the detenu from getting an allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered that question.

Dr. RADHA KUMUD MOOKERJI: Will the Hon'ble Home Minister be pleased to clear up exactly what he means by "political work other than Congress work"?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already explained, the object of the allowance was to enable a released detenu to carry on while he was looking for work. If it is found that a man has

got sufficient means to roam about the country, doing political propaganda and political work, whether it be for the Congress or for the Moslem League or for any other political organisation, then Government feel that the man is not in want of any allowance to sustain him.

Dr. RADHA KUMUD MOOKERJI: Are we to understand then that the ground for such allowance is that the persons concerned must seek their livelihood first?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that was one of the main grounds.

Licence for the immersion of Hindu idols in Burdwan.

*36. **Rai Bahadur SATIS CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state fully the circumstances leading to the refusal of the grant of licences for the processions for the immersion of Hindu idols in Burdwan?

(*b*) Who is the authority for granting such licences?

(*c*) Was such authority interfered with by the Executive Government ignoring the intermediate authorities? If so, will the Hon'ble Minister please state the reasons for such action?

(*d*) What instructions, if any, were given by the Government to the licence-sanctioning authority in the matter?

(*e*) What policy does the Government intend to follow in future in the matter of granting licences for Hindu idol-immersion processions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret I cannot answer this question until more particulars are furnished and specific dates are mentioned.

Playgrounds and gymnasia in mufassil municipality.

37. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state if he has taken any step to provide any *mufassil* municipality with sufficient number of playgrounds and gymnasia? If not, why not?

(*b*) Does the Government contribute any money to municipalities for this purpose?

---

*The hon'ble member was not present in the Chamber when his name was called by the Hon'ble the President, as such no oral answer was given.

(c) If not, is the Government contemplating to make small grants to municipal bodies for this purpose in the near future? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Local Self-Government Department): (a) There is ample provision in the Bengal Municipal Act under which a municipality can apply the municipal fund towards provision of playgrounds and gymnasia.

(b) No.

(c) No. The provision of playgrounds and gymnasia in municipal areas is primarily the concern of the municipal authorities concerned.

Sir, may I supplement the printed answer by the following additional submission that out of the Government of India grant, this Government have made certain contributions towards the gymnasia and playgrounds to some of the *mufassil* municipalities and District Boards?

Boro and Rabi crops.

38. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Agriculture Department kindly state if he does propose to take steps to extend the area under cultivation with *boro* and *rabi* crops specially to the low-lying tracts of east Mymensingh where the *aman* crop is substantially damaged every year by floods?

(b) Does he propose to sink a few deep-seated tube-wells as an experimental measure for the purpose of irrigating *boro* paddy in east Mymensingh? If not, why not?

(c) Does he also propose to erect small bunds for keeping water for irrigation purposes?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (a) Lack of irrigation facilities stands in the way of extension of the area under *boro* in this area. *Rabi* crops are grown wherever possible but the water recedes too late in this area.

(b) Owing to porous nature of the soil, irrigation from tube-wells is likely to be much too expensive. The only possible solution lies in the formation of Co-operative Irrigation Societies in the locality. I shall consult the Co-operative Department in the matter.

(c) This concerns the Irrigation Department whose attention has been drawn to the suggestion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if any attempt has been made to ascertain the area under *boro* crops?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am unable to give that information just now. I will inform the hon'ble member later on.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state if any attempt was ever made to sink any tube-well in that area, but that the soil was not found suitable?

The Hon'ble Mr. SHAMSUDDIN AHMED: In this case also I am unable to give the information directly.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that in the last Census Report it was definitely stated that the population of the area was steadily decreasing on account of the damage caused by floods as well as the water-hyacinth pest to the *aman* crop of that area?

The Hon'ble Mr. SHAMSUDDIN AHMED: It may be, I am not disputing the fact. But I am only saying that, so far as I am concerned, whatever information the hon'ble member wants, will be supplied to him if he gives notice thereof.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not, therefore, very urgently necessary that the possibility of forming Co-operative Irrigation Societies should be explored immediately, as also the question of sinking of tube-wells?

The Hon'ble Mr. SHAMSUDDIN AHMED: Government will give special consideration to the suggestion of the hon'ble member.

Mr. RANAJIT PAL CHOUDHURY: Does not the Hon'ble Minister know that his home district is also very porous but that many tube-wells are working there successfully?

The Hon'ble Mr. SHAMSUDDIN AHMED: Well, my friend knows that I also am affected.

Pending Answers to Questions.

Mr. NARESH NATH MOOKERJEE: Sir, I gave notice of a short-notice question yesterday. May I know when I may expect an answer to that?

Mr. RANAJIT PAL CHOUDHURY: May I also submit that we have sent in several questions, and we are now practically in the middle of the session. As regards myself, I have sent in about a dozen questions or perhaps more, but none of them has yet been answered.

Mr. PRESIDENT: I understand that a reminder has been sent to the departments concerned and we may expect an answer in proper time.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I with your permission give notice of a motion?

I have the honour to give notice that in the current session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Estates Partition (Amendment) Bill, 1938, by Rai Brojendra Mohan Moitra Bahadur, that the Bill be circulated for the purpose of eliciting opinion thereon by the 29th February, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have the honour to give notice that I shall move the following motion in the current session of the Bengal Legislative Council, namely, that the Bengal Maternity Benefit Bill, 1938, as passed by the Bengal Legislative Assembly on the 22nd August, 1938, be taken into consideration and that the said Bill as settled in the Council be passed.

I would also request you, Sir, to waive the rule with regard to the period of notice. I gave a similar notice some time ago, but instead of saying "current session" I unfortunately said "at the next session". Consequently, sufficient notice may be deemed to have been given, and I therefore hope that you will be pleased to waive the ordinary seven days' rule.

Mr. PRESIDENT: So, this is in supersession of your previous notice?

The Hon'ble Mr. H. S. SUHRAWARDY: That is so, Sir, with your permission.

Mr. PRESIDENT: I hope there will be no objection from the House.

Mr. RANAJIT PAL CHOUDHURY: It seems, Sir, that the seven-day rule is being observed more in the breach than in its observance!

NON-OFFICIAL BUSINESS.

Late Circulation of List of Business.

Mr. NARESH NATH MOOKERJEE: Sir, I want to say a few words regarding the time at which to-day's List of Business was circulated to us. It reached me only at the last minute before I left for this meeting. These are important matters, and are being circulated to members for the first time. Their late receipt has put us to great difficulty. I realise, Sir, that sometimes it becomes necessary to circulate these things at the last minute, but I may suggest that on such occasions circulation may be made by means of peons instead of through the post, because the post office is not always a very sure method of circulation, particularly when certain things have to reach within a particular time.

Mr. PRESIDENT: We shall consider your suggestion of circulating notices through peons after consultation with the Government.

Mr. RANAJIT PAL CHOUDHURY: Or they may be circulated in this very House, a day or two before.

The Hon'ble Mr. PRASANNA DEB RAIKUT: May I, Sir, with your permission, give notice with reference to the motion of the Hon'ble Mr. Tamizuddin Khan that, at the current session of the Bengal Legislative Council, the Bengal Dentists Bill, 1938, as passed by the Legislative Assembly, be taken into consideration, when the enclosed amendments will be moved? Perhaps, Sir, I need not read out the amendments

Mr. PRESIDENT: No.

The Hon'ble Khwaja Sir NAZIMUDIDN: Adverting to the complaint made by Mr. Naresh Nath Mookerjee, regarding the late receipt of to-day's List of Business, would it not be proper, Sir, to inform the members of this House that actually, there was no business for this House for to-day, and that as a special case——

Mr. PRESIDENT: Order, order. The hon'ble member did not make a complaint, but he simply suggested that circulars of notices might be sent through peons instead of through the po

The Hon'ble Khwaja Sir NAZIMUDDIN: Primarily, Sir, it was a complaint which the hon'ble member made, so far as I can understand it.

Mr. PRESIDENT: So far as this particular case is concerned, I know there were special circumstances why it was not possible to arrange the matter earlier and there was no time to give proper notice.

The House will now take up consideration of the three motions under section 118 of the Rules and Standing Orders.

There are three such motions set down in the Order Paper for consideration to-day. And if there is unanimity in the House, and no objection to the moving of any one of them, I would suggest that a time-limit may be fixed so that the whole programme for the day, i.e., all the three motions, may be discussed to-day. If the House agrees, then I would suggest that 50 minutes might be set apart for each Resolution; 10 minutes for the mover, 5 minutes for the reply of the mover, 15 minutes for the Government and 5 minutes each for other members who may like to participate in these discussions. I take it that that is the desire of the House. After 50 minutes, I shall put each of the motions to vote.

Mr. LALIT CHANDRA DAS: Ten minutes for the mover would be too short a time, Sir.

Mr. PRESIDENT: I do not think so.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to take necessary steps to move the Government of India to fix a definite quota for the recruitment of Bengalees, both Hindus and Muslims, in all branches of the Civil as well as the Defence Services under the control of the said Government.

The subject-matter of my motion is not such as to be beyond the bounds of possibility so far as the Central Government is concerned. The resolution demands a reasonable share for Bengal's young men, Hindu and Moslem, in the services under the control of the Government of India. It is a non-contentious matter and I hope the House will adopt the motion unanimously and once more assert Bengal's legitimate claim for equal treatment with the sister provinces in the matter of appointments.

Sir, it was on two previous occasions that the Council adopted my motions for the military training of the Bengalees with a view to their ultimate incorporation into the Indian Army. It seems our cry has been one in the wilderness. Let us on this occasion make a united demand and urge upon the Government of India with all the emphasis that we can command to give us facilities for entering the various services as indicated in the motion.

Sir, while Indianization of the defence forces is now in progress, there is no earthly reason why Bengal's case should not be favourably considered. It is understood that the Bengalees have been classed as a non-martial race. Those who hold this view are ignorant of history; rather the contrary is the case. In every sphere of our national life, the backward are given preference and their interests safeguarded by due weightage and reservation of posts. If the Bengalees are considered backward from the military point of view, a certain number of seats in the Indian Military Academy at Dehra Dun should be reserved for them and the Government of India should be urged to spend more money on military education and in starting military schools all over Bengal. Compulsory military drill should also be introduced in every school and college.

The Government of India should also see their way to provide more funds and make it compulsory for the University students to join the University Training Corps having due regard to physical fitness.

In all Federated States, every unitary State has got a fixed quota of military unit to form the federal unit of the Army and as such Bengal must have her proper share in the Federal Army before Federation comes into being.

Turning now to the civil posts, it is not perhaps unknown to anybody that there are several kinds of such posts under the Government of India. To some recruitment is made by competitive examinations and to some appointments are made by selection. Where appointments are made by selection such as Members of the Executive Council and other headquarter appointments, appointments in the Imperial Council of Agricultural Research, in the State Railways, higher appointments in the Indian Stores Department, in the All-India Radio Services, in Aviation and in the Posts and Telegraphs Departments, Bengalees both Hindus and Muslims are not selected for any of the posts nowadays. The only appointment made in the course of the last 20 years is that of a Muslim as a Member of the Federal Public Service Commission,—Mr. A. F. Rahaman, the former Vice-Chancellor of the University of Dacca. Whenever the question of Muslim representation under the Government of India is taken up, Muslims of other provinces, specially the United Provinces and the Punjab, get preference although as a matter of fact the Muslims of Bengal form the largest quota among the Muslim population of India. There being no want of educated Bengalees, both Hindus and Muslims, it stands to reason that their claims should be sympathetically considered. It is unfortunate that none of our Muslim representatives on the Central Legislature have yet thought it fit to advocate the cause of the Bengalee Muslims in the matter of appointments under the Government of India.

As regards competitive examinations for the various kinds of prize posts under the Central Government, it is argued that Bengalees now-a-days cannot compete in those examinations. If that is so, we would respectfully request His Excellency the Governor to take every possible step to direct his Government to provide sufficient funds for such training of our youths as will enable them to come up to the requisite standard in all these examinations. There is no dearth of material in Bengal; it is only strong will and adequate funds that are needed from the Government to fulfil the requirements.

With these few words, I commend my motion to the acceptance of the House.

Mr. PRESIDEN

His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to take necessary steps to move the Government of India to fix a definite quota for the recruitment of the Bengalees, both Hindus and Muslims, in all branches of the Civil as well as Defence Services under the control of the said Government.

Dr. ARABINDA BARUA: Sir, I beg to move an amendment to the resolution, which runs as follows:—

"That after the words 'Bengalees', the words 'both Hindus and Muslims' be deleted, and the words 'Hindus, Muslims, Buddhists and other minorities' be inserted".

Sir, Rai Bahadur Keshab Chandra Banerjee deserves to be congratulated on his motion. He, however, seems to think that the Bengalee race is composed of Hindus and Moslems only. He has left out of consideration the case of Buddhists and other minority communities of the province who should also get their due share of representation in the Services under the Central Government. It is a pity that whenever the question of the distribution of services arises, the case of the Buddhists and other minorities gets scant attention. In the other House during the last session when on a private member's resolution the question arose, the minorities were left out of consideration altogether. Here also the same story is repeated—the claims of the minorities being left out of consideration. If a definite quota is to be fixed, it is the minorities more than the majority communities whose interests are to be properly safeguarded.

It cannot be said that the Buddhists and other minorities have no importance, so that they can be ignored. Speaking about the Buddhists, their contribution to the thought and culture, language and literature of Bengal, is second to none. What the Bengalee culture of to-day is, has been to a great extent the creation of the Buddhists of old. They may be small in number, but among the minorities they have the largest

population. So far no Buddhist has been appointed to any of the All-India Services. Their representation in the Services, whether provincial or central, is of a most negligible character.

Of the various minority communities of the province, the Buddhists, in spite of the fact that they are more numerous than the others and have an ancient culture and heritage, are the most backward. While the interests of the Anglo-Indians are statutorily safeguarded and the Indian Christians are much more advanced in every respect, the Buddhists are the only important minority community which is lagging behind. The Buddhists who had a glorious past have got potentialities of creating a glorious future if help is rendered to enable them to stand on their feet.

In the Defence Services, the Buddhist community has a special claim to be well represented. It may not be known to the hon'ble members of this House that at the beginning of the British rule in India, the Buddhists supplied a unit in the army under the leadership of Buddhist Subedars to conduct wars in Burma and Manipur. Buddhists of Chittagong had officers in the native army even in very recent times. If suitable opportunities are given to them, they can produce good soldiers and officers once again.

With these few words, I commend my amendment to the acceptance of the House.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move this amendment to the main resolution. The amendment is this that after the lines "requesting His Excellency to take necessary steps to move the Government of India", the following may be substituted:—

> "requesting the Government of India to see that there should be a fair representation of the inhabitants of the province of Bengal in all the branches of the Civil as well as Defence Services under the control of the said Government while maintaining a standard of efficiency to be the essential condition in all public services".

Sir, the spirit underlying the resolution can well be understood. It cannot be gainsaid that some amount of provincial feeling is growing up after the inauguration of the Government of India Act, 1935. No doubt a healthy growth of provincial feeling may help a province, but at the same time we cannot be too cautious in counteracting the growth of narrow provincialism which is bound to be detrimental to the development of Indian Nationhood. Indeed, our first concern should be to grow as Indians and we should always consider ourselves to be Indians first and to be Indians always and no feeling of any provincial bias should be allowed to impede the growth of that Indian feeling. I know that in some of the provinces a narrow feeling is growing up and this

finds ugly expression on the occasion of making appointments in the provinces. This issue came to a head recently in the Bengalee-Behari question which had to be referred to the Working Committee of the Congress. In making appointments in the provinces and in the services under the control of the Provincial Governments, some sort of narrow and parochial considerations generally crop up unlike in the case of appointments under the Government of India. But at the same time, the Congress stand has always been that efficiency should be the prime standard and all other considerations should be secondary to that. No doubt, as I have said in my amendment, there should be fair representation of all the provinces and that fair representation can be only in regard to the subordinate posts. With regard to the higher-grade services and appointments to special posts where expert knowledge is necessary, efficiency and efficiency alone should be the standard and there should be no other standard. Therefore, I need not dilate further on this. Without recognising a definite standard of efficiency, the Congress is definitely opposed to the making of any appointment. The first two paragraphs of the Working Committee Resolution passed at the Working Committee meeting held on the 13th January at Bardoli are quite explicit on this point. The general principle to be followed all over Inida has been laid down and the only standard recognised and insisted upon is the standard of efficiency in respect of the higher services and in respect of the lower posts, there should be a fair representation of all communities and provinces.

Mr. PRESIDENT: Two amendments have been moved to this motion: one by Dr. Arabinda Barua—that for the word "both Hindus and Muslims", the words "Hindus, Muslims, Buddhists and other minority communities" be substituted and the second—by Mr. Kamini Kumar Dutta that after the words "to move the Government of India", the following be substituted: viz., "to request the Government of India to see that there should be a fair representation of the inhabitants of the province of Bengal in all the branches of civil as well as defence services under the control of the said Government while maintaining the standard of efficiency to be the essential condition in all the public services".

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is one of the subjects which is not a primary concern of this Government, and therefore at the very outset I would like to indicate the attitude of Government in this matter, namely, that Government will take no part in the debate or express any views on the subject, but will forward the discussion to the Government of India if the motion is passed. And the reason why I have put this conditional clause "if it is passed" is that I would like the House to consider whether it is really desirable in view of the circumstances which I am going to place before the House,

to pass this motion. In a way, I am very grateful to Rai Keshab Chandra Banerjee Bahadur for bringing forward this subject before this House to-day, as I wanted an opportunity to inform the public of Bengal, specially the educational authorities and guardians and the student community, about the lack of candidates appearing for the competitive examinations for the services under the Government of India. When in September last I was at Simla, Mr. J. N. Talukdar, I.C.S., one of the members of the Indian Civil Service belonging to the Bengal cadre, who is now in the Government of India Secretariat, drew my special attention to the fact that candidates from Bengal, both Moslems and Hindus, did not sit for the competitive examinations for posts under the Government of India. He went on stating that, so far as the Moslem community was concerned, a number of appointments had been reserved for that community and they have got that reservation in view of the vast population of Moslems in Bengal, but the advantage of this reservation is going to the Moslems of the other provinces, because the Moslems of Bengal will not sit for this examination. But it applies equally to the Hindu community too, as I tried to find out from Mr. Talukdar whether Hindu candidates from Bengal were sitting for these examinations and he said "no". It applies equally both to the Hindus and Moslems and for the benefit of Dr. Barua, I may say that it applies equally to the Buddhists and other minority communities. The point is that not only, so far as the subordinate services are concerned, are candidates not coming forward to take these examinations, but as far as the all-India competitive examinations are concerned, namely, the Indian Civil Service, the Indian Audit and Finance Service and other services, —there, again, it is very sad, but it cannot be denied, that those who sit for these examinations, their results have been most deplorable. For the last 7 or 8 years, the old Government and at the present moment the new Government have been specially scrutinising the list of candidates who had appeared at these examinations and unfortunately every year the same story was told, namely, that the candidates from Bengal found their places only right at the bottom and compared most unfavourably even with provinces ilke Bihar and the Central Provinces. Now, Sir, the old Government were very much concerned about this and they brought this matter to the notice of the two Universities of Bengal and as far as I remember a number of conferences were held and suggestions made, but up to now no improvement is visible. And practically no candidate from Bengal, as far as I remember, has been successful within the last 5 or 6 years in the I.C.S. examinations held at Delhi. It is rather extraordinary, Sir, that while Bengalee candidates sitting for the examination in England have been successful during this period, Bengalees sitting for the examination in Delhi, whether Hindus or Moslems, have been total failures. We have not been able to secure one seat in the I.C.S.

by competitive examination from those who appeared at the Delhi examination. Therefore this is one of the questions which should really be the concern more of the people of Bengal than of the Government of India. Apart from the question of service in the Army which is a matter on which I am not in a position to express an opinion, so far as the subordinate services and other appointments are concerned —and where appointments are made by means of competitive examinations, I doubt very much if we can blame the Government of India for lack of Bengalees in the employment of that Government.

Mr. RANAJIT PAL CHOUDHURY: How do they at all get in, then?

The Hon'ble Khwaja Sir NAZIMUDDIN: They get in by competitive examinations. But they cannot get in there by means of reserved seats, so far as selections are concerned. Persons are appointed to the superior posts through the Federal Public Service Commission and I am afraid that, now that we have got a representative of Bengal on the Federal Public Service Commission after many years, even now those grievances of ours exist at the present moment. Now I think that this question should be taken up in right earnest by the educational authorities in Bengal and also by the student communities as well. Mr. Talukdar gave me to understand that notices of these examinations are sent to all the prominent educational institutions—certainly to the two Universities—and I believe they are advertised in the Calcutta papers also. We ought to induce the students to sit for these examinations, and I am sure that, as far as subordinate examinations are concerned, there is no reason why they should not be successful. I may also inform the House that these examinations are held in Calcutta,—I mean these examinations for the subordinate services under the Government of India. Perhaps my time is up and I should now stop, but I cannot help making a remark about the contradictory statement made by the Leader of the House in moving his amendment—I am sorry I should have said the Leader of the Opposition. For, while he wants appointments to be made purely on the basis of Indians as Indians, he goes on to say that a "fair" representation should be given to all the provinces. If you are looking at it from the point of view of all-India, it is not possible to consider the question of provinces if Indians are to be one, and if we have to forget that we belong to Bihar, the Punjab or to Bengal; and then, on the top of all this, if efficiency and merit are going to be the criteria of appointments, I do not see how the question of provincial representation can come in. Therefore, I think that, very likely Mr. Kamini Kumar Dutta found it difficult to reconcile the Congress Resolution with his desire to support this motion of Rai Keshab Chandra Banerjee Bahadur.

Mr. KAMINI KUMAR DUTTA: But I did not support the Resolution.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I am really sorry for my omission to mention the name of the Buddhist community and other minority communities in my motion. But I may assure my friends that this omission was wholly unintentional. I have, however, no objection to accepting the amendment moved by Dr. Barua. Mr. Kamini Kumar Dutta has given us an idea of the attitude of his party in this particular matter. He has said that there should be a fair representation of all communities, as the terms of the motion if accepted *in toto* will help the growth of a narrow provincial feeling. He has also said that after the inauguration of Provincial Autonomy under the Government of India Act, 1935, there has been a noticeable growth of provincial feeling in certain provinces. In this connection, I may tell him that provincial feeling was there even before the introduction of the Government of India Act, 1935, as will be evident from the fact that so far as Bihar is concerned, Bengalees were not given contracts after the disastrous earthquake. That was I think before the introduction of Provincial Autonomy. Now, Sir, so far as the Bengalee-Biharee question is concerned, the Working Committee of the Indian National Congress has given its award on this question. I have learnt from a reliable authority that the terms of the compromise have not yet been given effect to by the Bihar Government which is a Congress Government and they are bound to give effect to them. I think the question of domicile certificate is also meaningless. Although that, too, has been done away with by the Congress Working Committee, yet it has not been given effect to up till now and we all know that certain difficulties and I should say serious difficulties are being experienced by the Bengalees in Bihar in these respects. They are required to certify that they were born in the province of Bihar and also that they have been there for the last 10 years. It takes a lot of time to have necessary enquiries made in the matter, and in the meantime, the posts for which the candidates have applied get filled up. This is a great difficulty. Coming now to the remarks made by the Hon'ble Home Minister, I may say that he has said that candidates from Bengal both Hindus and Muhammadans, are averse to examinations. It may be true, Sir, but I think the passing of the motion will do no harm and rather I think the passing of the motion will help the growth of a popular opinion in this respect. The guardians of students as well as the authorities of educational institutions will seriously consider the terms of the motion and help the students in sitting for competitive examinations.

Mr. PRESIDENT: Motion moved that an address be presented to His Excellency the Governor of Bengal through the President of the

Bengal Legislative Council requesting His Excellency to take necessary steps to move the Government of India to fix a definite quota for the recruitment of the Bengalees, both Hindus and Muslims, in all branches of the Civil as well as Defence Services under the control of the said Government.

Since which two amendments have been moved, one by Dr. Arabinda Barua and the other by Mr. Kamini Kumar Dutta.

As Mr. Kamini Kumar Dutta's amendment is wider in scope, I would like to put that for decision of the House in the first instance. If that amendment fails, then Dr. Barua's amendment will be put before the House.

The amendment of Mr. Dutta suggests that for the words occurring after "to move the Government of India", the following should be substituted:—

"To request the Government of India to see that there should be a fair representation of the inhabitants of the province of Bengal in all the branches of Civil as well as Defence Services under the control of the said Government while maintaining the standard of efficiency to be the essential condition in all public services."

I am now to ask whether that amendment be made.

(The motion was lost.)

Mr. PRESIDENT: Next comes the amendment of Dr. Arabinda Barua which suggests that for the words "both Hindus and Muslims" the words "Hindus, Muslims, Buddhists, and other minority communities" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is the resolution as amended, namely: That an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to take necessary steps to move the Government of India to fix a definite quota for the recruitment of the Bengalees, Hindus, Muslims, Buddhists and other minority communities in all branches of the Civil as well as Defence Services under the control of the said Government.

(The motion was agreed to.)

Mr. NUR AHMED: Mr. President, Sir, I beg to move that an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council that this Council is of opinion that His Excellency should move the authorities concerned to take early steps to impose import duties on rice and paddy imported from foreign countries.

Mr. KAMINI KUMAR DUTTA: Sir, I rise on a point of order. The motion is about import duty. Import duty has been defined in the India and Burma Trade Regulation Order of 1937 promulgated on the 18th day of March, 1937. In that, import duty has been defined in Part I, clause 3. Now, that again has laid down that no duty shall be leviable (Part II, clause 1) on any produce which is imported from or exported to Burma in excess of the duties to any which are saleable immediately before separation and this order will be in force for three years (section 160 of the Government of India Act). So, as a matter of fact the Central Government even has no power to impose any import duty.

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir, there is a lacuna there. Though it cannot be done away with in three years, the Burma-India Trade Agreement cannot be terminated without giving twelve months' notice, and that notice must be given by 31st March. In that view, I do not think that the motion is out or order, though it is not practicable.

Mr. PRESIDENT: I think a motion has already been passed in the Central Legislative Assembly that notice should be given terminating the Burma-India Trade Agreement. So, it is in order.

Mr. NUR AHMED: Mr. President, my main purpose in moving this motion in this House is to bring to the notice of this House the immense suffering which has been caused to the millions of *raiyats* in Bengal by an unexpected fall in the price of paddy and rice, so that effective measures may be taken as early as possible to bring about the necessary rise in the price of paddy which is the most main crop of the province.

Mr. President, rice is the prominent crop of India so much so that 31 per cent. of the total area under cultivation in India is covered by this crop. This is three times more than that of wheat which is the next most important food grain. It is also a most widely distributed crop in India; so that fate of the 87 per cent. of the Indian population, I mean the cultivators, is vitally linked up with the fortunes of this crop. Coming to our own province, Bengal, rice occupies a most important position among all the agricultural crops of this province. The total area under this crop is about eleven times that of the area under jute, the next most important crop of this province. Most of the cultivators in Bengal grow rice and some districts only grow more rice than they require. So, for Bengal rice is not only a food grain, but a most important money crop which forms the most important commodity

for inter-district and inter-provincial trade. In other words, the whole economic structure and the economic welfare of Bengal depend to a large extent on the good or bad fortunes of this rice crop.

Once there was a great demand for Bengal rice in England and other countries, but war has brought great changes in international trade relations. The result is that forced artificial preferences were obtained for Spain, Italy, Mexico, South America and Indo-China rice. The Ottawa pact has completed the ruin of the Indian rice trade with western countries. Germany which was the biggest consumer of Indian rice transferred its love to Italian rice. Along with these factors has come in the "self-contained policy" in every country in the West. China, Malaya, even Japan, have placed embargo on Indian rice with the result that the *beparies* of exporting houses have ceased to be rice centres of the mufassil and the price of rice in mufassil would not rise in spite of shortage of crop. The result has proved and is proving very disastrous to the financial condition of the cultivating masses.

The average of rice cultivation has shrinked a good deal, but still there would have been big excess if the cultivators had followed the improved method of production. A comparison with the per acre produce of rice in other countries with that of India will show that whereas in India the yield per acre is 8·8 cwt., in Spain it is 80 cwt., in Italy 37·5 cwt., in Japan 32 cwt., in United States of America 20 cwt. while by improved methods Spain has increased the yield per acre during the years 1927-28 to 1931-32 from 26 cwt. to 50 cwt., India has advanced from 8 cwt. to 8·8 cwt. Unless cultivators can get good remunerative price for their crop, it would not be possible for them to spend money for the increased yield per acre by following improved method of cultivation, as the present price is hardly high enough to meet the bare cost of cultivation. Now, the price of rice is reigning very low for the last few years. The set-back suffered by it during the trade depression is equalled by no other agricultural commodity in India. The subsequent rise is not sharp enough and not steady as compared with other agricultural crops. On the basis of the price level in India in 1928-39, the index number of rice went down by 38 per cent. In 1933-34, though it rose to 55 in 1936-37, again it went down in the last quarter of 1937-38 when index dropped to 42 per cent. As a consequence, the agricultural population in India has suffered serious loss. Now coming to Bengal, the price of rice in Bengal, the largest rice-growing area in India, during the last quarter of the year 1937-38 was quite uneconomic as the year 1933-34 synchronised with the worst period of depression, so much so that the price fetched did not cover the cost of cultivation. During the last quarter of the year 1937-38, paddy of good quality was sold at Rs. 1-10 to Rs. 1-14 per maund in Calcutta which means that cultivators only got Rs. 1-4 to Rs. 1-8 per maund in the markets.

It is superfluous for me to say that nothing but a rise in the price of rice can under such condition effect any material and appreciable improvement in the deplorable and the miserable condition of the poor cultivators.

Now, the most important problem that faces every patriotic son of Bengal is how to raise the price of rice in Bengal. Experts differ in their view, but it appears that imposition of import duty on broken rice imported from foreign countries except Burma has produced good result and proved admittedly effective. It has greatly reduced the import of rice from foreign countries, but still the prices continue to be as uneconomic and unremunerative as before. This is due to import of rice from Burma. I am aware of the fact that as the treaty between Burma and India stands, no duty can be imposed now, but my proposal is for future consideration when that treaty terminates. This question of imposing a duty on Burma rice is most vital from Bengal's economic point of view. Whenever there is demand for rice and a tendency in the price of Bengal rice to rise, Burma floods Bengal markets with cheaper rice with the result that the price falls again and no speculating businessmen can dare under the circumstances to invest any money in stocking Bengal rice in the market.

With this end in view, I have ventured to move this address urging the Government of India to impose a duty on the import of rice, both foreign and Burmese, to save the Bengal cultivators from utter impending ruin and I hope every member of the House would vote for this motion.

Mr. PRESIDENT: Motion moved that an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council that this Council is of opinion that His Excellency should move the authorities concerned to take early steps to impose import duties on rice and paddy imported from foreign countries.

(The House then adjourned for 15 minutes for prayer.)

(After adjournment.)

The Hon'ble Mr. SHAMSUDDIN AHMED: Mr. President, Sir, this House is well aware of the fact that the Bengal Government have appointed a Rice and Paddy Committee which have not yet finished their labours, but we hope to get their report very soon. My friend Mr. Nuf Ahmed has placed his facts before the House very well, but I can simply say that this is a matter which concerns primarily the Central Government—the Government of India. But if we take into consideration the point of view of the agriculturists of this province, true

it is that Bengal is not a self-sufficient province so far as the production of rice is concerned, and we are obliged to import rice from Burma. If an import duty is imposed on rice coming to India, then certainly the price of rice will rise a little bit. Even then, there is a difference of opinion about the rise of price if an import duty is imposed on foreign rice. But all the same, the prevailing idea is that, possibly the agriculturists in Bengal will be greatly benefited if import of foreign rice is prohibited to such an extent that Bengal Agriculturists will be able to produce rice and paddy in sufficient quantities, so that, not only may they cover the consumption of the province but can also export them if possible to some other provinces. But the position is that at present Bengal cannot produce her own food products so far as rice is concerned. As far as the Government of Bengal are concerned in the matter, we can only send up the proceedings of the discussion that is taking place in this House to-day, because it is, as I have already said, the concern primarily of the Central Government. Therefore, we will not be a party to any decision that the House may take on this motion and I cannot say anything further on this motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, it is on very rare occasions that I differ from my esteemed friend, Mr. Nur Ahmed. On this occasion I find that he has overlooked one very important factor. He has overlooked the fact that Bengal is not self-supporting in the matter of rice. The other fact that he has overlooked is that 60 per cent. of the Bengal cultivators do not grow rice enough for their own consumption even, so that if the price of rice rises, these people—these 60 per cent. of the cultivators of Bengal—will be hard hit and so also the labourers and others who will have to purchase rice. If it had been the case that there was a surplus production of rice, this motion would have commended itself to us very much, but when we find that by imposing a tax on rice we are likely to affect the poorer people more than the richer people—and that only 20 per cent. of the agriculturists will possibly be benefited at the cost of 70 or 80 per cent. of the poorer agriculturists and labourers, I think we cannot support a motion of this nature. Then, Sir, we should not forget the fact that 30 years ago when there was something like a Rice Famine in Bengal, it was Rangoon which came to our help and we got our rice supplies from Rangoon and but for that rice-supply from Rangoon the scenes of the famine of 1776 would have been repeated in Bengal and hundreds of people would have died for not getting sufficient quantities of rice. So, in a country where rice production is not sufficient even for 10 months' consumption in the year, it would be disastrous, I think, to impose any tax on importation of rice, which is bound to prejudicially affect the interests of the poor cultivators. Then, Sir, I ask my friend another

question. When the price of rice had risen as high as Rs. 10 per maund, during 1907-8, was there any corresponding increase in the wealth of comforts of the people of this country or was there even any extension of cultivation or any more production of rice in this country because the price of rice rose? In spite of the rise in the price of rice we found that there no extension of cultivation; in fact there was no more production of rice than there used to be before. So I think that his idea that with an increase in the price of rice the country would be more prosperous is rather fallacious. With these words, Sir, I oppose the motion.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** বাংলাদেশে এতটা পরিমাণ ফসল উৎপন্ন হয় না যার দ্বারা বাংলার অভাব দূরীভূত হোতে পারে। বাংলাদেশের পাড়াগাঁয়ের অধিকাংশ অঞ্চলে শতকরা ৭৫ জন কৃষক ধান বা চাল কিনে খায়। তাছাড়া কৃষিজীবিদের মধ্যে অধিকাংশই বর্গাদার বা ক্ষুদ্র রায়ৎ। তাদের যা শস্য হয় তাদ্বারা এদের অভাব পূরণ একেবারেই হয় না। দেশে দুর্ভিক্ষ হয় কখন? যখন সাধারণ লোকদের মানে কৃষকদের একেবারেই কিনে খেতে হয়, তখনি দুর্ভিক্ষ হয়। মধ্যবিত্ত লোকেরা যখন কিনে খায় তখন দুর্ভিক্ষ হয় না। দুর্ভিক্ষের সময়, যখন প্রায় সকল কৃষককেই কিনে খেতে হয়, সেই সময় যদি বিদেশ থেকে ধান চালান না আসে তাহ'লে তাদের দুর্দ্দশার চরম হয়। সুতরাং একথা কখনই অস্বীকার করা যেতে পারে না যে বিদেশ থেকে যে ধান চাল এসে দেশকে রক্ষা করে তার কিছু প্রয়োজন নাই। নূর আহাম্মদ সাহেব অবশ্য অনেক কিছু বলবেন; হয় তো বলবেন যে খাদ্যশস্যের যদি আমদানী কম হয় তাহ'লে শস্যের দাম বেড়ে গিয়ে চাষীর লাভ হবে; আর মজুরেরাও অনেক মাইনে পাবে। কিন্তু তাদ্বারা তাদের লাভ কিছুই হবে না। কারণ যতটা বেশী পাবে তাদ্বারা যদি তাদের কিনেই খেতে হয়, তাহ'লে লাভের আশা কিরূপে করা যায়? বস্তুতঃ খাদ্যশস্যের উপর কোনরকম কিছু ট্যাক্স—তা সে আমদানীর দরুণই হোক বা রপ্তানীর দরুণই হোক, নির্দ্ধারণ করা কখনই সুবিধাজনক হয় না। অন্য শস্যের উপর হ'লে না হয় সমর্থন করা যেতে পারতো, কিন্তু খাদ্যশস্যের উপর ট্যাক্স কোনমতেই সমর্থন করা যায় না।

Mr. E. C. ORMOND: Mr. President, Sir, on behalf of the group to which I have the honour to belong, we have little to say on this motion at this stage on the merits of the motion. I would only say this, however, that I understand that a Committee, namely, a Paddy and Rice Enquiry Committee, has been appointed by the Government of Bengal to look into the facts and figures and the economic question relating to the whole subject and we would have preferred that until the deliberations of that Committee had been concluded, this House need not take any action, and on this ground alone we would be inclined to oppose this motion. But, Sir, if I might take this opportunity, I would like also on behalf of the party to which I belong, to make a reference to an allied matter which does not, however, relate directly to the merits of the motion and that is this: we, as a House and as the Upper House of Bengal, are a part of what we hope is a responsible system of Government and if I and such amateur

*An authorised English translation of this Bengali Speech will be found in the Appendix.

legislators as myself and member of the party to which I belong, who cannot spend their whole time in this House or on matters relating to this House are asked not only to form our own conclusions and to make up our minds but to discover what are the views of the constituents of the party to which we belong, it is impossible that we should be able to give responsible views on any subject of any kind or description unless it is so childish that it is not worthwhile for this House to give a view on the subject when we have only been given notice that the matter is going to come up in the House on the same morning of the day on which it is to be discussed! We, Sir, did not get notice of this motion until this morning. If this is a matter of sufficient importance for a Committee of Government to be appointed to investigate into it, then, Sir, I beg respectfully and in all humility to suggest that as a House we will not be increasing our good name or acquiring any reputation other than a reputation for performing our duties in an irresponsible manner though we may be supposed to be a responsible Legislature, if we do not receive timely notices of the subjects that are going to be discussed on a particular day. I say, Sir, that under sections 91 and 92 of the Rules and Standing Orders of this House, certain resolutions are subject to certain disabilities: either His Excellency the Governor disallows them in one case or in the second case, it is said that "no resolution shall be moved save with the consent of the Governor in regard to any of the following subjects" and one of those subjects would appear to refer to import duty which has a repercussion on and a direct relationship to outside foreign powers. I appreciate, Sir, that as this is a matter of privilege,—it being a question of moving an Address to His Excellency the Governor, —it may properly take precedence over other business; and although I was not present myself at the beginning of the debate, I take it that this motion has been admitted by you, Sir, as being in order as not coming within the subjects mentioned in section 92——

Mr. PRESIDENT: Order, order. The hon'ble member was not present at the beginning of to-day's proceedings when Sir Nazimuddin explained the peculiar circumstances under which the matter was taken up to-day without sufficient notice.

Mr. E. C. ORMOND: Sir, I hope neither you nor the House will misunderstand me. I am not suggesting that this motion is not in order. I am not making any such suggestion. I am not putting the observations I am now making on any such ground of it being a breach of the rules of the House. I am merely putting them, Sir, on the general ground that if this House is to contribute to the benefit of the province and if its deliberations and its decisions are to be treated with respect, we the private members, Sir, whatever be the position of the

Government—we the private members should be given time in which to ruminate over the matter; not only that, but also to consult our constituents and find out what their views are. It is very possible——

Mr. PRESIDENT: Your time is up.

Mr. E. C. ORMOND: Sir, may I finish with one more sentence? It is quite possible that there are members in the European party who may have strong views on the subject. I wish only to make it plain, Sir, that in the circumstances in which this matter has come up, we have not been able to ascertain them. That is all that I have to say.

Mr. NARESH NATH MOOKERJEE: Sir, there has been already a great deal of discussion on this subject. I merely rise to give the views of the party to which I have the honour to belong. Sir, as far as the principle involved in this motion is concerned, I mean the principle of preventing the imports of foreign material into this country, we are definitely in favour of it. But, Sir, in this particular instance, I do think and I am inclined to agree with some of my friends on the other side of the House, particularly Khan Bahadur Saiyed Muazzamuddin Hosain who has made the point very clear and that is that with regard to this particular commodity, rice, I think, Sir, it will be really detrimental to the interests of the cultivators as well as of the rural population and of the people at large, if any restriction was imposed on the importation of this most important commodity of food. I think, Sir, it will really subject us to the ridicule particularly of the economic world, if we send up such a sweeping motion from this House to the Governor without really considering its pros and cons and before really making up our minds with facts and figures before us. I do feel, Sir, that at this stage my friend should withdraw this motion in view of the opposition, and genuine opposition, that has been put forward from all sections of the House. That is all I wish to say.

Mr. PRESIDENT: The Hon'ble Mr. N. R. Sarker.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is very difficult for me to speak on this motion. I am not a member of this House. Government policy has been enunciated by my friend the Minister in charge of the Department of Agriculture. He has said that the Government of Bengal will not take any part in this discussion. So, though I would have liked to say many things on this resolution, I am not able to do it. If you like, Sir, I may speak.

Mr. PRESIDENT: I thought that the question of imposition of duties was one regarding which the Finance Minister might throw some more light. So, I asked you to speak.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, without meaning any disrespect to this House or to individual members, I entirely agree with the statements made by Mr. Ormond and Mr. Mookerjee that, under section 118 when we want to submit some address to His Excellency through you, Sir, it must be a well-reasoned one. If section 118 is taken advantage of and if every simple matter goes to the Governor, then I think your good name will suffer in the eyes of the outside public.

So far as the merits of this resolution are concerned, I consider, Sir, it is inopportune at this moment, because under the present law, I mean, the order regarding trade with Burma, import duties on rice cannot be imposed. There is some sort of trade agreement with Burma which can only be dispensed with by giving 12 months' notice and that after 3 years. In view of the statement made by Sir Mohammad Zaffarulla Khan recently in the Central Assembly that the entire matter of trade agreement with Burma is having their active consideration,—that is the expression he used,—I think it will not be well for us to press the Government of India only to impose a duty on imported rice.

Bengal, as Khan Bahadur Saiyed Muazzamuddin has pointed out, is a deficient province. We must import rice, otherwise we cannot grow sufficient rice which can give food to our own population. So, we cannot dispense with importation of rice. All that we can do is to restrict the importation according to our necessity and that is a matter for negotiation with the Government of Burma and the Government of India. I hope that in the next treaty which will be made with the Government of Burma and the Government of India, instead of import duties a better system would be to arrange for some sort of a quota which will come from Burma and not more, such as Japan has done in the case of Indian cotton and also as we have done in the case of cotton manufactures. So, I would ask my friend, though his object is very laudable, in that he wants to raise the price of paddy so that the condition of agriculturist may be improved, to withdraw his motion.

Mr. SHRISH CHANDRA CHAKRAVERTI: Paddy is not imported.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, paddy is also imported.

Another difficulty is that if you assume that by imposing import duties you can enhance the price, that is also a doubtful matter. Because, if you go through the statistics for the last two or three years, you will find that when there was scarcity in this country, the quantity of imported rice was high, but at that time also the price did not go very high. Now-a-days the importation is so little. Our total production is about 88 lakhs of maunds, the average of last year 1937-38. We imported only 145,000 tons. Such a small proportion will not very much increase the price; that is my own view. As the thing is unpracticable at the moment, I would ask my honourable friend to withdraw this motion and not press it in this way upon the Government of India, especially in view of the fact that Sir Mohammad Zaffarulla Khan has given an assurance that they are considering now the terms of agreement with Burma and most likely before 31st March they are going to give notice that the agreement will be terminated in 1941 and a fresh agreement will be made. At the time of the fresh agreement we can make our suggestions. In the meantime, the facts and figures regarding the present condition of rice and paddy in this country will be available to us, as I expect that the Paddy Committee's report will be out here within about three months. In this view I would ask my friend to withdraw his motion.

Mr. NUR AHMED: Mr. President, Sir, in view of the opinion expressed in the House I beg leave to withdraw my motion.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Nur Ahmed to withdraw his motion?

(The consent of the House was obtained.)

Mr. PRESIDENT: The motion of Mr. Nur Ahmed by leave of the House is withdrawn.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move the resolution which stands in my name. It runs as follows:—

That an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council that this Council is of opinion that with a view to encourage the indigenous manufacture of salt and the development of the salt industry in Bengal, it is essential that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government and to move the proper authorities concerned in this behalf.

Sir, I have got to show first the possibility of success of the salt industry in Bengal before I can urge with any reasonable chance of success that the salt excise preventive department should not be transferred from the control of the Government of Bengal to that of the Government of India. Sir, Bengal was self-supporting in the matter of her own salt. This was so from the beginning of her own history right down to a certain period of the British rule. For a long time this industry, Sir, was a flourishing one. The peasants and poor people got their own salt manufactured on the sea-coasts. There were salt *golas* and many parts of the country were known as *Nimak Mahals*. But those days are long gone by. Sir, since September, 1934, a Salt Marketing Board was formed by the manufacturers of salt of Western India and Aden for supplying salt to the markets of Bengal. The quota assigned to producers of different regions are as follows:—

Aden 41·91 per cent. of the total supply, Bombay 3·74 per cent., Okha 12·20 per cent., Karachi 23·27 per cent., Porbandar 6·19 per cent., Morvi 4·69 per cent.

Bengal consumes per year not less than 180 lakhs of maunds of imported salt worth over 1 crore of rupees. This represents a sum of money which the foreigners take away from this province every year. It is a matter of great shame and disgrace that Bengal should be looking to other countries for her own salt when she has her own beautiful Bay of Bengal, her own saline creeks and brine beds.

In March, 1936, this question was prominently brought before the Bengal Council by Mr. N. K. Basu, to whose queries Sir John Woodhead gave this reply:—

"So we had an enquiry made to find out whether having regard to the actual selling price, salt could be manufactured at a profit at Fulcheri in Cox's Bazar where conditions appear closely to resemble those in Burma. As regards Fulcheri, the conclusion seems to be that there is the possibility of success so long as the additional import duty is maintained."

I maintain, Sir, whether with or without the import duty, salt manufacture in Bengal is a commercial proposition which will always pay. This was said in 1936. Yet strange to say, Sir, in 1937 the Government of Bengal issued a communiqué on the subject of the manufacture of salt in Bengal. It was said in the Council that the price per 100 maunds of manufacture of salt in Bengal would not be less than Rs. 66, whereas foreign salt sells at Calcutta at Rs. 50 per 100 maunds. Sir, salt is manufactured at a price not more than annas five a maund at Karachi, Tuticorin, Aden and other places. Quite recently, the Commissioner of Excise and Salt, Bengal, directed Mr Md. Akram Hussain to inspect the workings of factories and workings of the Bengal Salt Company, Ltd. According to his report, we find that the

Company adopted the Burma method and found that the cost of production of fine salt was annas seven per maund. He considered that the cost could be reduced by economising the cost of fuel and the cost of transport. He delineated the Company's new scheme of manufacturing salt by combined method of collection of brine by Burma method and separation of salt by solar evaporation as prevalent in the Madras coast. The cost of production of solar salt has been estimated by him at annas two only per maund.

Sir, then again it is only recently that an investigation was carried by two special officers of the Government of Bengal. They are Rai Sahib D. N. Mukerjea and Mr. V. S. Rau, Deputy Conservators of Forests, Khulna. Their report has revealed that Bengal has very good prospects of manufacturing salt as above stated. The report has encouraged the people of Bengal to take to manufacture of salt as a paying concern. Already there are several companies at work and all the companies are optimistic of success. At such a time it is reported that the Government of India has arrived at a decision to transfer the Salt Excise Preventive Department from the control of the Provincial Government to its own control.

Sir, Industry is a provincial subject. Responsibility for fostering the salt industry training having been laid on the Government of Bengal even by yearly contribution made to its coffers by the Government of India. That responsibility should not be taken away unless the Federal Government when inaugurated takes it away from the Government of Bengal.

Serious attempts are now being made by the Government of Bengal to foster the salt industry and along with it several private concerns are doing their level best to help its growth.

The contemplated transfer of the Salt Excise Department will not make it possible for the Bengal Government to render effective help to and exercise necessary control over the development of the Industry on proper lines. If transferred, the officers of the Preventive Department will be appointed by the Government of India; their pay and prospects will be in their hands and they may be recruited also from outside the province. These officers coming from outside are not likely to be sympathetic to this growth of the Salt Industry in Bengal. They will not be under the control of the Government of Bengal. Without the co-operation and co-ordination between the Government of Bengal which is primarily responsible for the development of the Industry and the Salt Preventive Excise Department, there will be little prospect of a smooth progress of the Industry in this province. With these words, Sir, I commend my motion to the acceptance of this House.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, whatever may be my personal opinion, at the outset I must say that this matter is not

within the scope of this Government, but is primarily the concern of the Government of India, and therefore I do not take any part in this discussion, but, whatever may be the decision of this House, the proceedings will be forwarded to the Government of India.

Mr. PRESIDENT: The question before the House is that an address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council that this Council is of opinion that with a view to encourage the indigenous manufacture of salt and the development of the Salt Industry in Bengal it is essential that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government and to move the proper authorities concerned in this behalf.

The motion was agreed to.

Mr. PRESIDENT: As the Bengal Maternity Benefit Bill, 1938, is coming up for discussion on the 17th February, and there is no time to call for amendments by circulation of notice, I announce that amendments will be received in the Council Office till the 15th evening.

I now adjourn the House till 2-15 p.m. on Thursday, the 16th February, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 16th February, 1939.

Members absent.

The following members were absent from the meeting held on the 14th February, 1939:—

(1) Khan Bahadur Naziruddin Ahmed.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Kanai Lal Goswami.
(4) Mr. Mohammad Hossain.
(5) Rai Bahadur Satish Chandra Mukherji.
(6) Mr. H. P. Poddar.
(7) Rai Sahib Indu Bhusan Sarkar.
(8) Rai Sahib Jatindra Mohan Sen.
(9) Khan Bahadur M. Shamsuzzoha.
(10) Mr. D. H. Wilmer.

B. G. Press—1938-39—12588A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 16th February, 1939, at 2-15 p.m., being the sixth day of the First Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. I gave notice of an adjournment motion——

Mr. PRESIDENT: You can move that matter after the questions.

QUESTIONS AND ANSWERS

Japanese automatic weaving machine.

39. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government and Industries Department aware that the Japanese automatic weaving machine has become very popular in Raipoora thana of Dacca district and in Baburbagh of Tippera district?

(*b*) Is he aware that in Baburbagh alone cloths worth rupees two lakhs or so woven by automatic machines are sold in every *hat*?

(*c*) Is he aware that this weaving industry is financed by Marwaris to a very great extent, who advance the yarn and realise inordinately high price for the same?

(*d*) Is he aware that there are other middlemen who make substantial profit and that the profit to the actual weaver is very low?

(*e*) Does he propose to take steps to eliminate middlemen and secure sufficient wages to the actual weavers?

(*f*) Does the Hon'ble Minister propose to take steps to introduce weaving by automatic machines in agriculturists' homes for supplementing their income?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Local Self-Government and Industries Department): (*a*) and (*b*) As far as I know, Japanese automatic weaving machines are in use in the district of Dacca but they are not

very popular. The Chittaranjan semi-automatic looms manufactured in Bengal are used by the majority of the weavers. I have not been able to trace any place called Baburbagh in the district of Tippera.

(*c*) and (*d*) Yes, in a majority of cases.

(*e*) and (*f*) These questions are being inquired into by the Bengal Industrial Survey Committee, recently constituted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Have the Industrial Committee been specially requested to enquire with regard to this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: I understand that the question raised by the hon'ble member comes within the purview of the terms of reference made to the Industrial Committee, although there has been no special reference to Japanese automatic machines or Chittaranjan semi-automatic looms or to middle-man's profits.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please consider the desirability of bringing these things to the notice of the Industrial Committee for enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: This will be done, Sir.

Allowance to jurors.

40. Khan Bahadur MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that no travelling allowance is paid to jurors who come to the District Judge's Court from the *mufassil*?

(*b*) If the answer to (*a*) be in the affirmative, do the Government propose to make any provision for the same at an early date?

(*c*) Is the daily allowance paid to those jurors quite sufficient to meet the needs for which it is paid?

(*d*) Do the Government propose to make necessary arrangements to give them a suitable allowance?

(*e*) Do the Government propose to pay adequate travelling and daily allowances to those jurors who are cited to attend the Court but not selected to sit with the Judge?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) There is provision for payment of travelling allowances to jurors in such cases in the rules published under Notification No. 4666 J., dated the 9th June, 1932 (copy placed below).

(*b*) Does not arise.

(*c*) The existing provisions are considered generally adequate for the purpose. There may, however, be special cases. But the duty of serving as a juror is one which every qualified citizen owes to the State and Government cannot be expected to meet all expenses incurred by him in the discharge of his duty as a citizen.

(*d*) and (*e*) The hon'ble member is referred to the answer given in the last Assembly session to (*c*) of unstarred question No. 269.

NOTIFICATION.

No. 4666J.—9th June, 1932.—It is hereby notified for general information that, in supersession of all previous orders on the subject, the Governor in Council has been pleased to prescribe the following rules for the payment by Government of a daily allowance to jurors and assessors summoned to attend in criminal trials in Bengal:—

The District Magistrate shall order payment on the part of Government to any juror summoned to attend his Court and the Sessions Judge shall order payment on the part of Government to any juror or assessor summoned to attend his Court, of an allowance as follows, provided the distance between the place of business or usual residence of the juror or assessor, whichever is nearer, and the Court house which he attends exceeds 5 miles:—

1. A daily allowance of not less than Re. 1 and not more than Rs. 5, which should not exceed the actual travelling expense, for the first day of attendance at Court or when discharged without being chosen to serve as juror or assessor.

NOTE.—The juror in submitting his bill for the first day of his attendance must submit a full and correct account of his actual travelling cost, the distance travelled and the means of communications availed of, so that the presiding officer of the Court may be in a position to assess the daily allowance for the first day of attendance.

2. An allowance not exceeding Rs. 2 for an ordinary juror or assessor and not exceeding Rs. 3 for a special juror for each day of actual attendance in Court from the second day of his attendance on being chosen to serve as a juror or assessor until discharge.

In the case of a Special juror, the presiding officer of the Court should furnish a certificate to the effect that the person was empanelled as a Special juror.

Provided that if the trial lasts more than two weeks the presiding officer of the Court may at discretion allow him a daily allowance at an increased rate not exceeding Rs. 5 per diem from the beginning of third week till the date of his discharge.

The date of commencement of the trial should always be noted on the bill.

Provided also that if the trial lasts more than one day, the Court may allow a juror or assessor the same amount for the last day of attendance as was allowed under item 1 above for the first day of attendance.

Ordinarily, the amount due to the juror or assessor will be paid when he is discharged, but in protracted trials, the amount due may be paid at the end of each week.

A. G. R. HENDERSON,
Secretary to the Government of Bengal (offg.).

Suits and cases in the Civil Courts.

41. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the figures of the disposed of suits and cases in the Civil Courts for the last 10 years are in the possession of the Government? If so, will he be pleased to state whether the figures show an appreciable fall in the number of the disposed of suits and cases during the last two years as compared to the years just preceding?

(*b*) If the reply to (*a*) is in the affirmative, will the Government be pleased to state whether it is a fact that the fall is due to the establishment of Debt Settlement Boards?

(*c*) Is it a fact that the Munsifs do not get full work owing to stay orders in consequence of requisition from Debt Settlement Boards?

(*d*) If the reply to (*c*) is in the affirmative, what steps do the Government propose to take to give full work to the Munsifs?

(*e*) Do the Government propose to stop temporarily the recruitment to the Bengal Judicial Service as a measure of economy?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Government has statistics showing the amount of civil work in the courts in respect of suits. On the whole there has been a substantial decrease though in some districts such as 24-Parganas, Nadia, Murshidabad, Jessore, Khulna, Faridpur and Rangpur, the institutions of 1937 and 1938 were more than in 1936.

(*b*) The fall is due partly to decrease in institutions and partly to requisitions for stay from Debt Settlement Boards. There is some increase in work due to appeals under the Bengal Agricultural Debtors' Act.

(*c*), (*d*) and (*e*) The situation is being watched; there was no recruitment last year to the Bengal Civil Service (Judicial), and the question of what recruitment, if any, will be made this year is under consideration.

Report of the Dacca Medical School Enquiry.

42. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether the report of Mr. Tyson, District Magistrate of Dacca, regarding the Dacca Medical School Enquiry, arising out of complaints made by some of the girl students thereof, was acted upon by the Government?

(*b*) Who was that officer against whom the complaint and enquiry was made? What is his name? And since when and for how many years continuously did the officer serve that institution?

(*c*) Is there any rule of transfer of the Professors and Lecturers of that Medical School to some other Medical Schools or Colleges under the Government? If so, did that rule apply to this particular officer?

(*d*) Is this officer still in service? If so, where? Is he in grace or disgrace?

(*e*) What steps do Government intend to take or have taken to keep the precincts of the girls' hostel inviolate and sacred?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The report is still under the consideration of Government. I expect to be able to pass orders very shortly.

(*b*) The officer in question is Khan Sahib Dr. Md. Maizuddin Khan. This officer has been in service in the Dacca Medical School continuously since the 16th May, 1913.

(*c*) Teacher and Demonstrators of Medical Schools are liable to be transferred at any time according to the exigencies of the public service. There are no rules prescribing a transfer after any definite period.

(*d*) The officer is still in service and is occupying the post of Teacher of Materia Medica and Deputy Superintendent in the Dacca Medical School.

As final orders have not yet been passed by Government on the allegations made against him, no question as to any grace or disgrace arises.

(*e*) Government consider that the present arrangements for securing the safety of the girls' hostel are adequate.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state when the report was submitted? I want an approximate time.

The Hon'ble Mr. TAMIZUDDIN KHAN: I think about a year ago.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state what stood in the way of his considering the report during these twelve months?

The Hon'ble Mr. TAMIZUDDIN KHAN: The report was considered by my predecessor and since I came to office the report has been under my consideration.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state within how many weeks he is expected to pass orders on the report?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, Sir, within about a fortnight.

Mr. LALIT CHANDRA DAS: Arising out of the answer to clause (*b*), it appears that this officer has been in Dacca for over 26 years; is there any special reason why he was not transferred for so many years?

The Hon'ble Mr. TAMIZUDDIN KHAN: As I have already said, Sir, there are no prescribed rules for transfer. I may further add that this officer has not been in the Dacca Medical School always in the same capacity.

Mr. LALIT CHANDRA DAS: Arising out of the answer to clause (*c*), where it has been stated that teachers and demonstrators of Medical Schools are liable to be transferred at any time according to the exigencies of the public service, will the Hon'ble Minister please state, therefore, if there was any exigency of public service on account of which this officer was not transferred from the Dacca Medical School?

The Hon'ble Mr. TAMIZUDDIN KHAN: Well, no exigency arose at all during this period necessitating the transfer of this officer.

Khan Bahadur ATAUR RAHMAN: Is is not a fact that this officer has been found to be very efficient in his work and that is why he has been retained in Dacca?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is in the affirmative. The officer's work has been quite satisfactory.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to give notice of the following amendment to the motion of Khan Bahadur Saiyed Muazzamuddin Hosain that the Bengal Agricultural Debtors (Amending) Bill——

Mr. PRESIDENT: Order, order. This is not the time for that. I shall call you when the time comes.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: [In Bengali.] Sir, may I rise on a point of request? Sir, some of us on this side of the House do not know English and therefore when we have to send in notices of questions or resolutions we have got to have them translated and sent to the Council Department. This entails an expenditure and I would request you to consider if you will be good enough to allow us to send out questions and resolutions in Bengali.

Mr. PRESIDENT: All right, that may be done. From the next session you can send in your questions, etc. in Bengali.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: [In Bengali.] I have another point to raise, Sir. Sometime ago, I sent in a resolution to the effect that the proceedings of this Council may be conducted in Bengali as everybody in this House knows Bengali. As regards the Europeans, they too, Sir, know Bengali very well, although they do not generally speak in Bengali as I found out in connection with my remark regarding the price of jute which I made in Bengali——

Mr. PRESIDENT: Order, order. The business of this House is conducted in accordance with the provisions of the Government of India Act, 1935, where it is laid down that the business of the Legislature shall be conducted in the English language.

Adjournment Motion.

Mr. PRESIDENT: Order, order. I have received a notice from Mr. Lalit Chandra Das of a motion to adjourn the business of the House for the purpose of discussing a definite matter of urgent public importance, namely, the situation which has arisen out of the drastic action taken by the Government for realization of arrears of rents and other canal dues from the tenants of the Damodar Canal side in the District of Burdwan (*minus* Asansol) by show of all the paraphernalia of the coercive machinery of the State.

Before I decide whether his motion is in order, I would like the hon'ble member concerned to satisfy me that the motion relates to a definite matter, as the expression "drastic action" appears to me to be rather too vague.

Mr. LALIT CHANDRA DAS: As far as I know, Sir, detailed statement of facts are not required to be incorporated in tabling a motion of this nature. Under section 103——

Mr. PRESIDENT: But an adjournment motion must be a *definite* matter of *urgent* public importance.

Mr. LALIT CHANDRA DAS: Yes, Sir. But I presume that the drastic action taken by Government in that area is in itself a definite matter.

Mr. PRESIDENT: The hon'ble member would have been well-advised if, in framing his motion, he had stated some specific matter of recent occurrence. Non-reference to at least one specific instance which would convey an idea of the nature of the drastic action referred to, makes the motion absolutely vague.

Mr. LALIT CHANDRA DAS: Those instances, Sir, I propose to give in my statement of facts.

Mr. PRESIDENT: That will not do. Before I hold your motion to be in order, I must be satisfied that the motion is definite and not vague.

Mr. LALIT CHANDRA DAS: I may state, Sir, that over 500 police pickets have been posted at different centres of the Damodar Canal area, over-awing the tenants for the purpose of payment of the canal dues. Then, again, when the tenants organised some demonstration as a mark of protest against canal tax, orders under section 144, Criminal Procedure Code, were promulgated in the whole of the Damodar Canal area, including the town, prohibiting any meeting or procession for a period of two months in connection with the canal agitation. Over and above this, about 200 soldiers have been stationed in the police barracks so that their services may be requisitioned at any moment if any untoward development takes place.

Mr. PRESIDENT: When were the orders under section 144 of the Criminal Procedure Code promulgated and when were the soldiers stationed there?

Mr. LALIT CHANDRA DAS: On the 14th February, that is to say, the day before yesterday. As regards the posting of 500 police pickets at different centres of the Burdwan Canal area, that was done, Sir, during the course of the last 3 or 4 days.

Mr. PRESIDENT: Do you make any allegation that they were guilty of highhandedness or any illegal action? Mere promulgation of prohibitory orders under section 144 of the Criminal Procedure Code or the posting of police pickets will not make the action "drastic".

Mr. LALIT CHANDRA DAS: May I submit, Sir, with due deference to you that the question is not one of legality or illegality? The question is whether action of a drastic nature was taken by Government,—action that may be characterised as a show of force. The question is whether the tenants were within their rights in organising some sort of a demonstration to mark their protest against the canal tax and to bring it down from Rs. 5-8 to to Rs. 2-9 or Rs. 1-8, whether they can constitutionally go on with their agitation and whether in view of this agitation, the Government can take any drastic action which may be interpreted as a show of force. This is the question, Sir, and legality or illegality is not the question. Therefore, I say that this is a matter of urgent public importance and it is a definite matter of public importance too. Accordingly, I submit that I am within my rights in moving it.

Mr. PRESIDENT: The hon'ble member need not make a speech but answer my question. Does he think that the Government is not entitled to station police pickets or military force if they think that step to be necessary?

Mr. LALIT CHANDRA DAS: I never questioned the right of the Government to do this or that. I do not call into question the legality or illegality of any action of the Government in this matter, Sir.

Mr. PRESIDENT: Well, if any illegality is committed by the police or the military, the matter can be taken to a court of law.

Mr. LALIT CHANDRA DAS: I again beg to submit, Sir, that I do not bring in the question of legality or illegality of any action of the Government. It may be well within their rights to depute as many soldiers or policemen as necessary to deal with the situation satisfactorily.

Mr. PRESIDENT: The real point is whether all this constitutes "drastic" action.

Mr. LALIT CHANDRA DAS: Sir, 500 police pickets were actually posted at different centres of the Damodar Canal area. I maintain, Sir, it is a show of force, and the purpose behind it, I allege, is to overawe these tenants to pay up their arrears.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is no action.

Mr. LALIT CHANDRA DAS: Yes, it is action, rather direct action taken by the Government. Not that any force was actually used upon the tenants but it is a show of force by Government which should not have been done. That is a drastic action and a matter of urgent and public importance. And I think it may be regarded as a drastic action, irrespective of whether it is legal or illegal. So, I am within my rights to move the adjournment motion on that ground.

Mr. PRESIDENT: I think the hon'ble member is labouring under some misconception about the meaning of the word "urgent" as it is understood in the parliamentary sense. A matter may be very urgent politically speaking, but he must explain to the House and convince the President that it conforms to the parliamentary sense of the word "urgent". On a similar occasion, Sir Frederick Whyte observed that "the rule provides an opportunity for the members of the House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House." The Chair will be very reluctant to interrupt the ordinary business of the House unless it can be shown that an emergency has suddenly arisen and that there will be no opportunity for the House to discuss the matter except on an adjournment motion. As a matter of fact, during the Budget discussion the Chair presumes that the Hon'ble members will get enough opportunity of discussing this matter. Further, this question about the Damodar Canal rates has been before the country now for a year and more and although the allegation is that there was a "show of all paraphernalia of the coercive machinery of the State", the hon'ble member could not point to a single illegal action on the part of the police or the soldiers. So, I hold that his motion is not in order.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice of the following amendment to the motion of Khan Bahadur Saiyed Muazzamuddin Hosain that the Bengal Agricultural Debtors' Amendment Bill, 1937, be referred to a Select Committee. My amendment is that the Bill be re-circulated for the purpose of eliciting public opinion thereon by the 31st of July, 1939.

I further request, Sir, that you would be good enough to accept this short notice and good enough further to see that the notice is circulated to the members concerned.

Amendment of section 57 of the Council Rules and Standing Orders.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. I gave notice under section 57 of the Rules and Standing Orders of this Council. That section runs as follows:—

"As soon as possible after the Governor has promulgated an ordinance under sub-section (*1*) of section 88 of the Act, printed copies of such ordinance shall be made available to the members of the Council. Within six weeks from the reassembly of the Council, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the Assembly with a message asking for its concurrence."

Sir, the copies of the Ordinance were circulated. The Hon'ble Home Minister placed the Jute Ordinance on the table of this House and on the very next day I sent in notice of a resolution to the Secretary of the Council disapproving the ordinance. I have not heard anything as to how matters stand with regard to that resolution of mine, whether an opportunity will be given, Sir, to this House for discussing this resolution or not.

Mr. PRESIDENT: The hon'ble member is fully entitled to complain in so far as no date has as yet been fixed for discussing the resolution given notice of by him. But the Chair's attention has just been drawn to a notification which was received by the Secretary to the Council modifying section No. 57 of the Council Rules and Standing Orders. It reads thus:—

"In exercise of the powers conferred by sub-section (*3*) of section 84 of the Government of India Act, 1935, and in partial modification of previous orders the Governor is pleased to direct that the Bengal Legislative Council Rules, as modified and adapted under the said sub-section for the Bengal Legislative Council, shall be modified further so as to substitute the following for rule 24. So the old section 57 goes out. The present one is as follows:—

'As soon as possible after the Governor has promulgated an ordinance under sub-section (*1*) of section 88 of the Act, such ordinance shall be laid before the Council and printed copies thereof shall be made available to the members of the Council.

(2) If a message is received from the Assembly asking the concurrence of the Council in a resolution disapproving such ordinance, any member may, after giving three clear days' notice, move a resolution concurring in the resolution of the Assembly and the decision of the Council thereon shall forthwith be communicated to the Governor and to the Assembly'."

This notification which is signed by Mr. H. J. Twynam, Chief Secretary to the Government of Bengal, dated Calcutta, the 16th February, 1939, reached the Council Department at 1-40 p.m. to-day.

It will thus be seen that under the rule, as now modified, the matter of an ordinance under section 88 of the Government of India Act is to be discussed in the Assembly in the first instance and after it is carried there, it will be sent to the Council for its concurrence.

Mr. HUMAYUN KABIR: On a point of Order, Sir. May I ask for a ruling from you as to whether this new rule which you have just now read is in order at all, whether it is not *ultra vires* in view of the fact that it goes against one of the explicit provisions of the Government of India Act, where it is clearly laid down—

> "that, excepting financial matters, each House has the power to initiate any bill or any other question".

Now, Sir, since expression of opinion, whether of approval or disapproval of an ordinance, is not a financial matter, is not this rule which has just now been read to us by you, Sir, a clear violation of the explicit provisions of the Act which gives us equal power with the other House to originate such discussion?

Mr. PRESIDENT: If the hon'ble member will refer to section 88 of the Government of India Act, he will find that the revised rule is quite in conformity with the Government of India Act. According to sub-section (2) of section 88 of the Government of India Act, "An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

> (*a*) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council".

I hope it will be now clear that a resolution disapproving the ordinance must be passed in the Assembly first and then it will be sent to the Council for its concurrence. The Governor certainly has powers to amend the rules of procedure and Standing Orders under section 84 (*3*) of the Government of India Act, 1935.

Mr. HUMAYUN KABIR: Sir, may I further submit that the sub-section which you have just now read out only provides that if it is passed by the Legislative Assembly, it shall be further discussed in the Legislative Council and if both the Houses agree in disapproving it, it shall be withdrawn. But is there anything in this sub-section which goes against the general provision which gives equal power to the two Houses to initiate discussion on an ordinance of this type? That is the point to which I wanted to draw your attention, Sir, in raising the point of order. It is no doubt clearly laid down that if an ordinance is disapproved of in the Lower House, it must be further disapproved of in the Upper House before it can be rejected and before the Governor takes notice of it and withdraws the ordinance. But where is the bar in this sub-section to the Upper House exercising the right to discuss the question of this Jute Ordinance or any other ordinance?

Mr. PRESIDENT: The President is bound to follow the Rules and Standing Orders of the House unless, of course, the rules are *ultra vires* of the Statute itself, in which case certainly the President can give a ruling. But as I have already said, under section 84(*3*) of the Government of India Act, 1935, the Governor has the right to make such modifications and adaptations in the rules of procedure as he thinks necessary. So, the President's scope is very much limited. He has to follow the rules of the House and having regard to the provisions contained in section 88 (*2*)(*a*) of the Statute, I find that the rule is not *ultra vires*.

Dr. RADHA KUMUD MOOKERJI: May I rise on a further point of Order? I think, Sir, that there is that hypothetical "if", as you have read out just now, in the old rule. I think, therefore, that within the limits of the constitution, the procedure laid down now is that if in the matter of an ordinance the Assembly first take the initiative for a discussion, then this Council is bound to follow the consequences of that discussion. I do not think, Sir, that the general powers which vest in this Council as regards this initiative, that inherent power of initiative is not curtailed on account of the use of the word "if" in that section which you have cited.

Therefore, Sir, my first point is this, that on account of this hypothetical reference, the fundamental rights of this House remain

untouched, and I think this House will be perfectly entitled to take initiative in discussions of matters of grave public importance and such a matter is no doubt implied in what is called an ordinance.

My second point of order is this. Granting, Sir, that the interpretation just now given is correct, I do not see how the order of the Governor which was passed on the 16th of February can apply retrospectively to the notice for a motion which was given about 4 days back. Therefore, our second complaint is that administrative action of this Council was not taken on a motion which was prior to this amendment of the rules of the Council.

Mr. PRESIDENT: I am afraid, the hon'ble member has missed my point. The President is bound to give effect to the Rules and Standing Orders unless these Rules and Standing Orders are *ultra vires* of the Statute. Under section 84, sub-clause (*3*), the Governor has every right to make such modifications and adaptations to the rules as he might think necessary. So, the President is bound to follow the rules as prescribed.

The further point I want to emphasise is that these rules are rules of procedure. So, as soon as they are promulgated, they take their effect. Unlike a substantive law, in regard to a procedural matter a rule must take its force as soon as it is promulgated.

Mr. HUMAYUN KABIR: Sir, the point we want to submit is that this section 88(*2*)(*a*) says that the ordinance shall cease to operate at the expiration of six weeks or after a resolution disapproving it is passed in the Legislative Houses. Supposing we pass a resolution disapproving it, there is no reason to think that the Ordinance will forthwith cease; it shall not cease its operation. But we do not find in this sub-section any bar to the Legislative Council discussing the point.

Mr. PRESIDENT: It is the rule——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I just explain the position?

Mr. PRESIDENT: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the point is that under section 88(*2*)(*a*), this resolution cannot be moved now, because of the rules that have been made by the Governor. But the power of moving a resolution in this House has not been stopped and if on a non-official day, any member were to bring in a resolution expressing disapproval of the ordinance, there is no bar to it.

Dr. RADHA KUMUD MOOKERJI: Sir, what about the objection on the ground of retrospective effect being given?

Mr. PRESIDENT: As I have said, it is a procedural matter and it will take effect as soon as it is promulgated.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I think Sir Nazimuddin is correct. Power has not been taken from this House. Section 88 only covers——

Mr. PRESIDENT: The matter is closed.

Mr. HAMIDUL HUQ CHOWDHURY: Will it be discussed at the express desire of certain members on a non-official day?

Mr. PRESIDENT: The Chair is not called upon to give a ruling on any hypothetical matter. If a resolution is moved, I will certainly consider the point.

Mr. HUMAYUN KABIR: May I rise on a further point of order?

Mr. PRESIDENT: There is no motion before the House on which you can raise a point of order.

Mr. KADER BAKSH: On a point of information, Sir. I understand that the Rules Committee was formed some time ago—perhaps six months ago. May I know if that Committee has submitted its report already?

The Hon'ble Khwaja Sir NAZIMUDDIN: The position is this, Sir. Government intend that the Rules Committee's report should be taken into consideration towards the end of the session. If we had allowed the report to be made the subject-matter of discussion in the midst of the session, then we would have got one set of rules for one portion of the session and another set of rules for another portion of the session. The position therefore would have been an extremely complicated one and all questions about notices and other things would have had to be altered. So Government's idea is that towards the end of this session, the rules should be placed before the House and time allotted for its consideration.

Mr. PRESIDENT: I recollect that the Home Minister made a statement like this at the end of the last session also, when he hoped that members of both the Houses would meet and discuss the report.

But unfortunately, that has not materialised yet. The Chair expects that the matter will not be further delayed this session. This House is quite competent to make its own rules. If the House is not sufficiently vigilant about its own rights and privileges, no objection can be taken to rules being made by Government. The Governor is fully competent under the law to make any modification or adaptation in the rules.

Mr. HUMAYUN KABIR: Is there no means of forcing the Rules Committee to submit its report?

Mr. HAMIDUL HUQ CHOWDHURY: Well, the Committee has already submitted its report.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, since the last session of the Assembly, things have moved considerably forward and there is considerable unanimity between the rules suggested by the Select Committee of this Council and the rules suggested by the Select Committee of the Assembly. One or two points of slight difference only remain for adjustment and I hope an agreement will be reached on them during this session.

Mr. PRESIDENT: I hope an attempt will be made to place the draft rules framed by the Rules Committee before the Budget session is closed.

I will now ask the Finance Minister to place before the House his annual Financial Statement and make his Budget speech.

BUDGET ESTIMATE.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is my proud privilege to present to this House the Budget Estimates for the year 1939-40, which I presented to the Assembly yesterday. The receipts and expenditure have been reviewed, the various items have been explained and their implications have been fully set forth in a statement which I made to the Assembly yesterday and I am making this available with your permission, Sir, to hon'ble members of this House for their perusal. I am doing this with the idea that I should not waste your time by repeating the facts and arguments over again. I may therefore crave your indulgence for presenting you only with a hurried picture of the budgetary position.

When I presented the Budget for the current year, I expected that the closing balance for the year 1937-38 would amount to a crore and 91 lakhs. As a result of the economic set-back, however, which started during the last part of 1937-38, this expectation was not fully realised and the closing balance was reduced to a crore and 36 lakhs. The current year started, therefore, with an opening balance which was 55 lakhs less than what we had originally assumed. The continuance of the economic depression up to the end of summer and the occurrence of floods thereafter have further depleted our resources. Our receipts from Jute duty, Land Revenue and Stamps fell off considerably and while some improvement was registered under heads like Excise and Income-tax, the net decline in revenue amounted to no less than 41 lakhs. On the other hand, an additional expenditure of about 56 lakhs was required in the shape of loans and test works for the relief of distress brought on by the floods. As a result, the closing balance which was placed at 1 crore 75 lakhs when the Budget was framed, is now expected to be only 78 lakhs. This is exclusive of the investment of 10 lakhs in the Famine Insurance Fund and two items totalling 1 crore 23 lakhs which represent our investment in Government Securities and Treasury bills.

In the Budget Estimate for the ensuing year, i.e., 1939-40, we place the total revenue at 13 crores 78 lakhs and the total expenditure at 14 crores 65 lakhs. Both the receipt and the expenditure side of the Budget are inflated by the inclusion of a sum of 93 lakhs which represents public works cess and other receipts, which were so long being credited direct to local bodies but which are required by a change in the law to be credited from next year as provincial revenues and then paid out as grants. The net effect on the Budget of this adjustment is nil.

The gap between receipt and expenditure on revenue account according to the estimates for 1939-40 is 87 lakhs, which could have been met from the reserve of 1 crore 23 lakhs held in securities. Instead, however, of depleting this reserve which it is essential to maintain against emergencies, it is proposed to raise a loan of 1 crore in the coming year. Many of the items paid out from revenues were really not expenditures strictly referable to that particular year, and the major portion of the amount represent interest-bearing loans and advances: as such, it was only proper that these should be met by raising a loan. The year will, on this basis, close with a balance of 85 lakhs in addition to the reserve in securities and investments to which I have already referred.

The Budget for the coming year includes new items of expenditure of about 79 lakhs, the main increase being under the following heads: Civil Works—24 lakhs, Education—12 lakhs, Debt Conciliation—9

lakhs, Rural Uplift grants—6 lakhs, Public Health—6 lakhs, Medical—3 lakhs, Agriculture—3 lakhs, and Industries—3 lakhs. The net result of the year's working is estimated to be a deficit of 87 lakhs on revenue account, the bulk of which is of a non-recurring character. But when the loan of one crore is taken into account in the Debt Deposit Section, the result is a small surplus of 7 lakhs.

It will be thus evident from what I have said that the actual results in many cases have belied our expectations owing to circumstances, both domestic and international. Our budgetary fortunes depend to a material extent on International factors, which are essentially uncertain in character. Unfortunately, this important fact is often lost sight of. Thus, even our most cautious estimates are sometimes belied. In so far as the year 1939-40 is concerned, the estimates have been prepared after a very careful analysis of all relevant circumstances, so far as it is possible to visualise the future. Let me only hope that our anticipations will be realized and that all that we have set out to do will be carried into action.

The completion of the schemes for which new provision has been made in the Budget would extend over a number of years: the provision in the coming year's Budget relates to only such portions of the schemes as are expected to be finished within that year. It follows therefore that in future further funds will be required for the completion of these schemes. To this end it is proposed to introduce two new taxation measures shortly, which are estimated to yield about 12 lakhs of revenue.

One thing stands out quite clear from the estimated results of the year's working: it is this that, while it may be possible to finance extensions of existing schemes or certain small new schemes from existing sources of revenue if there be an improvement in their yield for any major schemes of ameliorative work, fresh taxation would be indispensable.

I know, Sir, that considering the variety and intensity of the accumulated needs of the people, considering the innumerable grievances that have to be removed, the provisions made in the next year's Budget or the results achieved during the last two years cannot be such as will satisfy all. But I may assure you that we have not spared ourselves to do what is possible within the limits of our own capacities and our available resources. It is not possible, Sir, even for a Government that is well-established, well-equipped in resources and in men, and which has the advantage of long traditions of public work and service,—it is not possible even for such a Government to cater to every requirement of the people, not to speak of a Government such as ours, which is inexperienced, has very limited resources

and has, moreover, to work among a people who have not yet acquired an adequate civic consciousness yet. All that a Government can do is to act with reasonable foresight, and so far as its resources allow, to plan for the fullest measure of relief. That is what we sought to do within the limitations of our resources and environment. To what extent we have succeeded is for you to judge. But may I be permitted to say this: that, within the limitations that surround a Provincial Government, we have made a beginning in many directions, and have initiated schemes which, if consistently pursued and sufficiently backed by popular support, will bring to the masses a greater and greater measure of relief.

I am not so presumptuous as to claim that the solution of the stupendous problems of social and economic reconstruction is within our sight. Our problems are so vast and ever so growing, our resources are so limited and variable, our dearth of competent men to work and pursue schemes is so great, and the solutions of many of the problems being by their very nature a question of time, we can hardly think of solving them in one single year or even within a few years' time. In many directions we have only made beginnings along planned lines; but our success, and its extent and character, will depend on our resources in funds and man-power, as well as on the support and co-operation we receive from the public.

Sir, our revenues unfortunately are not only limited but also extremely variable. This fact is a very disquieting feature of our finances. In view, however, of the stupendous nature of the task that awaits us, it is essential to explore fresh avenues for obtaining income and mostly with the help of taxation measures. It is also the basic economic principle of social progress that the society should pay for the services it receives. It has been well said that "taxes are the price we pay for civilized society." We know that taxes are always odious, for they involve a financial burden, however small, and the benefits they presuppose are so indirect and distant that the social conscience is never at ease over taxation measures. But, Sir, the individual is the part and parcel of the State of which the Government is the mouthpiece. The relationship between the Government and the individual is, therefore, not one of economic antagonism, as people are often led to think, but one of mutual co-operation. And the individuals must make their willing contribution to the task to which the Government set their hands with the object of securing a large measure of happiness for the whole community of which the individual is a part.

It is an unfortunate fact, Sir, that in paying taxes, people are not moved by the benefits which these tax receipts bring to the society. Taxes are in the nature of anathema to them, for they do not look beyond the imposition to the social benefits that have a cumulative

influence on the present and future generations. It is high time that there should be a change in such an outlook.

If I have somewhat indulged in these principles of economic ethics, it is because I wanted to emphasise the cardinal fact that democracy is never cheap and that for a progressive democracy, the contributions of the financially able in the shape of taxes are essentially necessary.

In planning our tax measures, we shall, of course, be guided by considerations of economic justice. It must be our endeavour to lighten the burden for those who cannot bear it, but those who are financially able will be asked to shoulder a greater burden. Taxation, as you are aware, is one of the effective means for the redistribution of wealth within the society on a rational basis. We may not go all the way with the socialists who advocate a policy of smoothing out all inequalities in society with ruthless justice, but we must admit that in a society where millions lack what a few people take for granted as necessities of life, no real progress can be possible. A staggering inequality with its inevitable consequences of poverty and lack of opportunity for the masses produces social disharmony. That does not make for peace and progress. Social co-operation and mutual fellowship can never germinate in an atmosphere of distrust, animosity and an overpowering sense of social injustice.

It is for all this that all measures intended to benefit the masses, to lift them out of the conditions of misery and squalor, to raise their standard of living and to enable them to realise all that they are capable of, carry with them an unanswerable justification which no financial considerations should destroy.

To carry through a comprehensive scheme of amelioration, we must raise funds. The need for this will be obvious when it is recalled that the *per capita* revenue of this province is lower than that of any other comparable province in India. According to the Budget figures for 1938-39, the revenue raised per head of the population is Rs. 6-7 in Bombay, Rs. 4-9 in Punjab, Rs. 3-4 in Madras but in Bengal it is only Rs. 2-6. Our manifold requirements in the shape of better educational facilities, improved methods of agriculture, organised medical relief, good roads and irrigation facilities, development of industry, and maintenance of peace and order which affects each and every individual in the province cannot obviously be met out of this contribution of Rs. 2-9½ annas per head. This figure is indeed a standing reminder of the limitation of our present financial resources. These resources must be considerably augmented before even our most pressing problems can be adequately tackled. But in addition to funds, we shall need people able to conceive, initiate and execute

practicable measures for mass uplift and also enthusiastic public support. We have vast resources of human material lying idle, and I feel that given an enthusiastic popular backing an atmosphere could be created in which this wealth of human material could be utilised for promoting many projects of mass welfare with a very small cost to the State.

Of the many vexed problems that face us, unemployment is one of the most serious. The question has been so persistently pressed on our attention in this House that I feel called upon to make a few observations on it on this occasion. Its magnitude and its ugly potentialities can hardly be exaggerated. The existence of a large number of people who want work and are willing to work, but cannot get work, must put a terrible strain upon the very foundation of society and expose it to disruption and disintegration. The problem is one that does not concern the rural population alone: its incidence in fact is disastrously acute among the middle classes and the educated sections of our people. The thousands of young men coming out of the University knocking at every door for employment, but being refused everywhere is a situation which not only kills the sense of self-respect of these unfortunate young men but strikes at the very root of an ordered and contented society, it is a potent source of danger which it would be the height of folly to overlook. The misery of the educated middle classes have been further aggravated in that even those who were earning a livelihood have, in certain professions, particularly in Law, been so hard hit recently owing to a variety of factors that they are also now swelling the ranks of the educated unemployed. The suffering that this means to numerous families is beyond words. While the agriculturist in the village can, if he makes a serious effort, earn at least his daily morsel even by selling his labour on occasion, these unemployed members of the educated middle classes find themselves in a really desperate situation with every door barred against them and blank starvation staring them and their dependants in the face. I feel therefore that while we must never slacken our efforts for the welfare of the rural population which we have placed in the forefront of our programme, we must not in concentrating our attention to the villages forget the middle classes who have brought light and culture to the province and have been the torch-bearers of its national movement. The Government are fully alive to this problem and are doing all that they can to expand the avenues of employment. The expansion of the social services and other beneficent activities of the Government will help, however partially, towards alleviating the problem of unemployment. The undertaking of a larger measure of public work would also make some helpful contribution in this matter. But it should be obvious that no Government could absorb in its services all the unemployed. In our position the

chances of our being able to pay doles to the unemployed in the near future is also very remote. An adequate solution of the problem will depend on the creation of extensive machineries for absorbing more people in large-scale, small and cottage industries, in commerce and trade, both retail and wholesale, in transportation both large and small. And in all these, opportunities for absorption of larger numbers can come more through the stimulation of private enterprise than through direct governmental efforts.

In fact with a view to assist the industrial development of the province, which in its turn will help in the solution of this acute problem of unemployment, the Government had already undertaken an industrial survey of the province, and an expert committee has been set up for the purpose.

The membership of that Committee is indeed a distinguished one. A mere statement of the names is sufficient to inspire the utmost confidence in, and reliance upon, their recommendations. We are looking forward to a splendid and comprehensive survey of the entire subject which will help us in planning and executing our policy of industrial development in this province and we believe that the committee's recommendations would be of immense help to private enterprise also if the latter takes advantage of these.

Another matter which has been often discussed in this House and for which there has been a persistent demand is the subject of retrenchment on which also I would like to say a few words. On this matter also, I may assure you, Sir, the Government have not been unmindful. The Government propose shortly to issue a statement as to the measures of economy they have adopted, since assumption of office, on the basis of the recommendations of the Swan Committee, the measures of economy recommended by the Swan Committee which the Government do not consider it possible to carry out and those which are still under consideration and also the further measures of economy outside those suggested by that Committee which the Government have now under consideration. I do not, therefore, propose to go into the subject in detail on this occasion but only refer to one important aspect of it at some length.

The demand for retrenchment is raised most in connection with the pay-scales of Government servants and their strength. I would, therefore, examine this demand more closely. As to the personnel, I am afraid it must tend in an upward direction in a developing democratic government. The inevitable increase in the work of the administration in response to the popular demand for larger and new additional services naturally necessitates the employment of larger numbers to cope with the enlarged task. As to scales of pay, I may

recall that drastic retrenchments were effected by the previous administration in 1934 in the scales of pay of services under the control of the Provincial Government. In fact, so drastic was the nature of this retrenchment and so far in advance of what has probably even now been effected in many major provinces that not much scope for still further retrenchment was left to us, particularly in respect of the starting salaries of the various grades of service. Nevertheless, in pursuance of the desire of the Legislature, the Government are now out on a second attack on pay-scales in the upper limits in the grades. The detailed proposals in regard to each grade are now under the consideration of the Government and decision on the matter will be reached at an early date. The suggestions for reduction of scales of pay for future entrants which I have now placed before the Government pursuant to the wishes of the Legislature will have the effect of bringing down scales of pay to such a level that I have my own doubts whether men of the calibre and qualifications who have in the past been attracted to Government service will in future offer themselves for recruitment to posts under the Government. It will not do to forget that the scope of employment in non-Government institutions is in Bengal much larger than in other provinces and these non-Government employers offer in many branches of work rates of pay which are comparatively much higher. There is another consideration to which also I would like to draw attention in this connection. These repeated attacks on the scales of pay of Government servants may tend to shake that confidence and sense of security and permanence which have been associated with Government service: and if that is shaken, there is great risk of the morale of the public services being weakened. At a time when the Government propose gradually to take upon themselves the planning and execution of stupendous schemes of social amelioration, larger and larger demands would no doubt be made on the ability, integrity and loyalty of Government servants; a weakening of morale at such a time is, therefore, likely to prove a handicap to Government in the promotion of their objectives.

After all, what is the scope of retrenchment and what is its extent in the different services? The total salary bill of the Government per annum is 6 crores, 2 lakhs and 13 thousands, out of which 66 lakhs 88 thousands are charged and mostly controlled by the Secretary of State. Even among the employees of provincial Governments, the scales of pay of those in service on the 31st March, 1937, cannot be deliberalised in any manner without the approval of the Secretary of State exercised through the Governor. Even assuming that the Governor's consent were obtained—I am sure the Governor would not give such consent unless there was a serious financial stringency threatening probably a breakdown—the scope of retrenchment would indeed be extremely limited as I shall indicate by certain figures.

1.	Amount drawn by Government servants drawing pay at Rs. 100 or less per month	2 crores 75 lakhs 90 thousand.
2.	Amount drawn by those whose pay is above Rs. 100 but not above Rs. 200 ...	81 lakhs 95 thousand.
3.	Amount drawn by those whose pay is above Rs. 200 but not above Rs. 500 ...	1 crore 15 thousand.
4.	Amount drawn by those with pay between Rs. 500 and 1,000 ...	69 lakhs 18 thousand.
5.	Amount drawn by those with pay above Rs. 1,000	74 lakhs 85 thousand.
	Total ...	6 crores 2 lakhs 13 thousand.

I think there is very little scope for retrenchment in 1 and 2, and these two must practically be exempted. In the remaining three categories salaries of a total of 98·88 lakhs have to be left out, being outside our control, although the highest scales of pay offering the largest scope for reduction are all in this block. After we have allowed for all these, there remains a balance of about 1 crore and 45 lakhs where alone we could effect retrenchment. So it must be clear that the scope is indeed very limited even if the Governor were to give his consent as I have mentioned before. The measures of economy to be effected in regard to future entrants to Government service after 1937 would no doubt produce their effect only very gradually. The field within which retrenchment by way of reduction of pay can operate is, therefore, obviously so narrow and restricted that we would not be at all justified in expecting from this source a sum that may be of any considerable help to us in promoting large-scale nation-building activities.

Although I have spoken to you in some details about the various limitations within which alone retrenchment could operate, I wish to emphasise that the Government have for this reason by no means slackened their efforts for economy. On the contrary, the Government are always on the alert and trying to explore all possible avenues of further economy. They are also constantly in touch with other provincial Governments and are carefully watching the measures those Governments are adopting.

Before I conclude I should like to say a few words on the present condition and outlook of the jute trade on which the economic prosperity of the province including that of the Government exchequer is very materially dependent. The year 1939-40, I may say at once, opens with very reassuring prospects for the jute trade for more than

one reason. In the first place there has come about during 1938-39, a distinct change in the relative position of demand and supply in favour of the cultivators of jute. During this year the stocks of raw jute held by the Indian mills came down to 28 lakhs of bales suffering a diminution of about 10 lakhs of bales. The stocks accumulated overseas estimated at 21 lakhs of bales towards the end of last December are also reported to have dropped by about 6 lakhs of bales. This attenuation of stocks, both in and outside India, has been the inevitable consequence of a fairly large world consumption much in excess of the yields of the crop during the last two years. During 1938-39 the crop was, as you are aware, heavily damaged by the floods, and the yield now estimated by the trade at 85 lakhs of bales is likely to fall short of the demand by well over 15 lakhs of bales for the season ending in next June. Obviously the deficiency will have again to be met by drawing upon the balance of accumulated stocks.

Secondly, along with this forced eventuation of a better economic adjustment between demand and supply, there has occurred since September of the last year a welcome spurt in the prices of jute goods directly as a consequence of the promulgation of the Jute Ordinance. Nothing but a forced restriction of the working hours of the mills could in view of the alarming accumulation of hessian stocks in the hands of mills of well over 45 crores of yards, could have given an effective impetus to the prices of jute goods, and the spurt in prices that followed the promulgation of the Ordinance had a special significance even in the interest of cultivators in so far as economic price for manufactured jute constitutes the *sine qua non* of a fair price for the raw material. It is gratifying to note that the jute mills have since devised an agreed scheme of restricted production which will help to sustain the prices of jute goods at their existing levels even after the expiry of the term of the Ordinance. In the manner of the Ordinance this scheme should enable the mills to bring the incidence of accumulated hessian stocks under control through a process of gradual adjustment to their annual output.

Thirdly, just about 10 days ago the jute trade received an extraordinary stimulus from the United Kingdom Government in the shape of an order for 200 million sand bags at Rs. 450 per ton. The order is valued at Rs. 1 crore 60 lakhs. The quantity involved is equal to 17 crores of yards of hessian cloth, the latter being the equivalent of 2½ lakhs of bales of raw jute or more than a month's production of the Indian mill. It is expected to afford a very substantial relief to the embarrassment caused by the hessian stocks of the mills and adding further strength to the bullish forces in the market already set in motion by the pinch felt of a deficient supply of jute, it has brought about an all-round spurt in prices. Between the end of December and the second week of February, the prices of both raw and manufactured

jute have gone up by more than 22 per cent., in other words, the benefits of the increase have, as a consequence of the satisfactory adjustment between demand and supply, been shared equally by the fibre and the fabric.

While the present position of the jute trade warrants a feeling of steady improvement, we may look ahead with confidence, unless, of course, emergencies like that of a war break-out, or the cultivators, again, in complete disregard of the lessons of their previous experience, go in for extraordinarily large sowings. By all tokens, the world consumption of jute for the coming year may be safely placed at a minimum of 100 lakhs of bales, and there is nothing to worry about the stock positions of buyers at least for the next year's crop. The amount of 100 lakhs of bales is in excess of the actual yields of the crop during the last 8 years with the solitary exception of 1936, in which year, again, the yield exceeded this amount by only 7 lakhs. We may, therefore, reasonably hope that the cultivators will be persuaded to keep their sowings within the desired limit of 100 lakhs of bales which will not require them to effect any drastic curtailment of their accustomed sowings.

I would like to end by reminding hon'ble members of this House of the very great responsibilities that rest on them and the important role they occupy in the life of the nation. It is true that democratic enthusiasm is the mainspring of progressive measures, and zeal and enthusiasm among members of the Lower House are healthy signs to be really welcomed. But it is not unlikely that in their natural anxiety for quick results, the people's representatives in the Lower House may on occasion seek to get through measures in a hurry and that those hurried measures may at times bring in undesirable complications and unsatisfactory repercussions. The enthusiasm of an overzealous Lower House, it is considered, needs, therefore, to be tempered sometimes by same counsels and ripe experience. And it is your business, your noble duty, to guide this enthusiasm, noble though in itself, by a superior appreciation of the need for cautious and planned advance. As in every parliamentary government, you, as the House of Elders, will serve as the counterpoise to democratic fervour, should it on occasion overshoot the mark. The province as a whole, therefore, will look up to you for giving to it what is right and of abiding value to the entire population.

With these words, I beg to present the Budget for the year 1939-40 before the House.

References to the Lower House.

Rai KESHAB CHANDRA BANERJEE Bahadur: If I remember aright, Sir, on one occasion you ruled that no reference could be made

by members of this House to any speech delivered in the other House. It seems, Sir, the Finance Minister has violated that rule today. May we, therefore, hope that the same leniency will be shown to members on this side of the House as well, if they base their observations on the Budget on the speech delivered by the Finance Minister in the Assembly? Will members who may refer to speeches made in the Lower House be in order or out of order?

Mr. PRESIDENT: No, they will not be out of order.

Mr. PRESIDENT: Order, order. The House now stands adjourned till 2-15 p.m. on Monday, the 20th of February, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 20th February, 1939.

Members Absent.

The following members were absent from the meeting held on the 16th February, 1939:—

(1) Khan Bahadur Naziruddin Ahmad,
(2) Sir Edward C. Benthal,
(3) Mr. Humayun Reza Chowdhury,
(4) Mr. R. W. N. Ferguson,
(5) Mr. Mohammad Hossain,
(6) Mr. Naresh Nath Mookerjee,
(7) Rai Bahadur Satish Chandra Mukherjee,
(8) Mr. E. C. Ormond,
(9) Mr. H. P. Poddar,
(10) Rai Saheb Jatindra Mohan Sen, and
(11) Mr. D. H. Wilmer.

B. G. Press—1938-39—12937A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 20th February, 1939, at 2-15 p.m., being the seventh day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Expulsion of Rajshahi College students.

43. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether two intermediate examinees and two third year class students of the Rajshahi College were expelled by the Principal of that College and whether the former two were ordered to change their examination centres from Rajshahi to some other place this year?

(*b*) Is it a fact that the Principal refused to give any reasons for his said orders?

(*c*) What are the grounds for which those students have been expelled?

(*d*) Is he the same Principal during whose time the Rajshahi College Hostel incidents took place for which the Government had to suspend the working of the College for some time?

(*e*) Do Government propose to direct the Principal to withdraw the orders of expulsion on those boys, referred to in part (*a*)? If not, will Government be pleased to give reasons for its refusal?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Certain students were considered to have been responsible for agitation in inducing other students to strike and for creating unrest in the College; because of this the Principal issued orders on two second year students intimating to them that they would not be re-admitted next year. They are being allowed to take their examination at Rajshahi. Two third year students were required to take transfer certificates immediately, but this order was subsequently changed and they are being allowed to continue in the College with a warning as to their future conduct.

(*b*) The Principal gave no reasons when issuing his orders, but the students were aware as to the grounds for his action.

(*c*) No students have been expelled nor any orders of expulsion issued.

(*d*) No.

(*e*) No further action is considered necessary as the orders have been modified to suit the circumstances of the case.

Mr. LALIT CHANDRA DAS: Arising out of answer to clause (*b*), is it usual to issue orders without reasons?

The Hon'ble Mr. A. K. FAZLUL HUQ: It would be absolutely subversive of discipline if the Principal were to explain to students any disciplinary action which he may have to take.

Primary education cess.

44. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if there is any fixed standard regarding the assessment of primary education cess under section 34 of the Bengal Primary Education Act?

(*b*) Is the Hon'ble Minister aware that in the absence of any rule to guide the District Magistrate in this respect, even extremely poor persons are being heavily taxed?

(*c*) Is it a fact that there is no remedy open to the aggrieved persons against such decision of the District Magistrate?

(*d*) If the answer to (*c*) be in the affirmative, does the Hon'ble Minister propose to take steps to amend the Bengal Rural Primary Education Act in such a way as would fix a minimum taxable income and would set up an appellate or revisional authority?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government is considering a proposal to amend the Bengal Primary Education Act so as to exempt the agriculturists as a class from payment of the Education cess contemplated under section 34 of the said Act?

(*f*) If the answer to (*e*) be in the affirmative, will the Hon'ble Minister be pleased to give the proposed definition of the term "agriculturist" for the purpose of the contemplated exemption from payment of the Education cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There is no fixed standard.

(*b*) I have no such information.

(*c*) Yes.

(*d*) to (*f*) The question of giving relief to poor agriculturists is engaging my attention.

Mr. KAMINI KUMAR DUTTA: With reference to answer (*a*) to (*f*), will the Hon'ble Minister be pleased to state what steps Government contemplate to take for giving relief to the poor agriculturists in respect of the Education cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is exactly the matter under consideration. A tentative solution has been found and will be made known shortly.

Sergeant-Major W. J. Berrangan of the second Battalion Border Regiment.

45. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the attention of the Government has been drawn to the case which was brought in the Court of the Additional Sessions Judge of Alipore by Sergeant-Major W. J. Berrangan of the Second Battalion Border Regiment against Sreejut Ajit Kumar Bardhan, an ex-student of the Bangabashi College, Calcutta?

(*b*) Is it a fact that the said Ajit Babu was charged with attempt to murder and cause grievous hurt? What has been the result of that case?

(*c*) Is it not a fact that both the accused and the complainant were 2nd class passengers in the Up-Darjeeling Mail to Ghoom on the way to Jalapahar?

(*d*) Is it a fact that on Sreejut Ajit Kumar Bardhan entering the 2nd class compartment, he was accosted by the complainant calling him a nigger and questioning what right the accused had to travel in the same compartment with a European?

(*e*) Is the said Sergeant-Major W. J. Berrangan, named above, still in Government employ?

(*f*) What steps have the Government taken so far against the said complaint and to prevent a repetition of similar occurrences in future? If not, do the Government intend to take any such steps? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) He was charged under sections 307 and 326, Indian Penal Code. The accused was acquitted.

(*c*) Yes.

(*d*) This was the defence of the accused in the case.

(*e*) I have no information.

(*f*) In the opinion of Government the provisions of the law as it stands are adequate.

Political prisoners' prosecution for refusal to give their thumb impressions.

46. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that two political prisoners Srijut Hrishi Kesh Bhattacherjee and Pran Krishna Babu of Alipore Jail were prosecuted before the Second Police Magistrate of Alipore for their refusal to give their thumb impressions?

(*b*) Is the Government aware that giving of thumb impressions is considered by educated persons extremely derogatory to their self-respect and insulting like the *sarkar salam*?

(*c*) Is there any rule or law by which such thumb impressions can be enforced?

(*d*) Is it a fact that the sub-inspector, S. Ali on being questioned, could show no law or authority to those prisoners for putting their thumb impressions?

(*e*) What has been the result of the case against those prisoners?

(*f*) Do Government propose to amend the Rules and the Laws by which such thumb impressions from prisoners, able to write, are sought to be enforced? Is the practice of *sarkar salam* enforced now? If not, do Government propose to do away with the requirement of thumb impressions from persons able to write?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) Yes.

(*b*) and (*d*) No.

(*e*) Both the convicts were sentenced to 15 days' rigorous imprisonment.

(*f*) Government have no intention of amending the law or rules with respect to the taking of finger impressions.

The practice of *sarkar salam* is no longer in force.

Intelligence Branch.

47. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. H. P. Poddar): Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact—

(*a*) that every Congressman of Bengal is regularly shadowed by the Intelligence Branch of the Police Department;

(*b*) that every public speech of Congressmen is regularly reported to the Intelligence Branch; and

(*c*) what is the annual expenditure that the Bengal Government is to incur to run the Intelligence Branch and especially that section employed for the said work?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) No.

(*c*) I would refer the hon'ble member to the Bengal Civil Budget.

Questionnaire issued by Land Revenue Commission.

48. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Land Revenue Commission have sent their questionnaires to the revenue-paying zemindars of Bengal and have such zemindars been invited to send in their views to the questions; if not, why not;

(*b*) whether along with the questionnaire a copy of the terms of reference was forwarded to those who had been favoured with a questionnaire;

(*c*) whether the printed pamphlet of statistical abstracts published by the Government has been sent to all those to whom the questions have been referred; if not, why not;

(*d*) (*i*) whether the Hon'ble Minister is aware that the questionnaire was published in the Calcutta newspapers (Indian owned) on the 17th December last, and (*ii*) whether he is aware that in spite of written requests to the Commission, the printed questionnaire was not supplied to some of the Nadia district zemindars till the 16th of January;

(*e*) whether the questionnaire was sent to the recognised organisations and representatives of the Krishaks and the Projas;

(*f*) whether the questionnaire has been sent to zemindars of neighbouring provinces where the Permanent Settlement is the system of land tenure;

(*g*) whether statistics of average acreage, district by district, of the last 50 years, the number of population actually employed in agriculture in each district, as well as *per capita* income have been collected beforehand for the guidance of those dealing with the questionnaire; and

(*h*) whether it is a fact that copies of the questionnaire have been distributed to professors and others for the mere asking, whereas important landholders' organisations have been left out altogether?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No questionnaire has been sent to any such individual, only recognised Landholders' Association selected by the Commission having been supplied with it so far as the landholding interests are concerned.

(*b*) and (*f*) to (*h*) No.

(*c*) Printed pamphlet of statistical abstracts has been sent.

(*d*) (*i*) Yes.

(*ii*) It is understood that a number of such requests were received but were not complied with as no individual zemindar but recognised Landholders' Associations have only been furnished with the questionnaire.

(*e*) Eleven associations concerned with tenants and three political parties representing Krishak and Praja interests have been sent the questionnaire.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state why no questionnaires were sent to individual landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the landlords are supposed to be represented through the recognised associations.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister aware that such a questionnaire was sent to me?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably by mistake, Sir.

Mr. RANAJIT PAL CHOUDHURY: It was sent to me after a request.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: By mistake.

Mr. RANAJIT PAL CHOUDHURY: Arising out of answer (*c*), is the Hon'ble Minister aware that the Nadia Landholders' Association were sent a copy of the questionnaire, but the printed pamphlet of statistical abstracts was not sent to them? Is that by mistake also?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, usually it was sent to all Landholders' Associations, and if there was any omission, it was due to oversight or mistake, and it was certainly the duty of the Landholders' Association concerned to make a request to the office of the Commission.

Mr. RANAJIT PAL CHOUDHURY: If it has been an oversight, will the Hon'ble Minister be pleased to send a copy of these statistical reports?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not the duty of Government to send questionnaire to the Landholders' Associations. It is their duty to ask for it.

Mr. RANAJIT PAL CHOUDHURY: Is it not their duty even if it is a case of admitted mistake?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

New channels and outlets of the Ganges and other rivers during recent floods.

49. Rai Bahadur SURENDRA NARAYAN SINGHA: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what new channels and outlets have been taken by the Ganges, the Bhagirathi and the Padma during the recent floods in Western and Central Bengal; and

(*b*) what towns have been damaged by erosion?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): Enquiries are being made and I will endeavour to give the desired information in due course.

Adult education.

50. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Rural Reconstruction Department be pleased to state what steps the Government have taken up to this date besides appointing a Committee for the purpose of encouraging adult education in Bengal?

(*b*) Do the Government propose to appoint a Board of Adult Education in Bengal to take necessary steps for rapid spread of adult education?

(*c*) Has the attention of the Government been drawn to the necessity and urgency of taking more vigorous measures in this matter?

(*d*) How much money do the Government now spend annually for adult education and how is this sum spent and through what agency?

MINISTER in charge of the RURAL RECONSTRUCTION DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Adult education has so far been administered by the Education Department. I have accepted responsibility for adult education only in so far as it affects Rural Reconstruction and am now considering a scheme prepared by the Director of Rural Reconstruction.

(*b*) This will be considered when the scheme matures.

(*c*) Yes. I am aware of the necessity of vigorous measures for the spread of adult education in the province.

(*d*) As stated above, the Education Department have been administering the subject of adult education so long, I am informed that that department have been giving grants-in-aid to night and continuation schools for adults amounting to Rs. 14,000 annually.

Mr. LALIT CHANDRA DAS: Arising out of (*d*), will the Hon'ble Minister be pleased to state how many night and continuation schools are there in the province to which grants-in-aid are made?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no knowledge, Sir.

Recruitment of Co-operative Inspectors.

51. Khan Bahadur MUHAMMAD ASAF KHAN (on behalf of Mr. Kader Baksh): (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the number of appointments to the post of Inspector in the Co-operative Department made during his tenure of office as Minister of the department, district by district?

(*b*) How many of them were Mussalmans?

(*c*) Was any Mussalman given appointment from the districts of the Rajshahi Division?

(*d*) If not, why not?

(*e*) Was there any dearth of qualified Muslim candidates from the districts of Rajshahi Division?

(*f*) Does the Hon'ble Minister propose to consider the claims of the Muslim candidates of North Bengal at the next recruitment for such posts and does he propose to give them their due share in such posts?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Munkunda Behary Mullick): (*a*) A statement is laid on the table.

(*b*) 12.

(*c*) One was selected but he did not sit for the competitive examination.

(*d*) to (*f*) Do not arise.

Statement referred to in the reply to part (a) of question No. 51.

APPOINTMENT TO THE RANK OF INSPECTORS MADE ON THE BASIS OF COMPETITIVE EXAMINATION.

Name of district.	Moslem.	Caste Hindu.	Scheduled Castes.	Other communities.
Calcutta ..	..	2	..	1
24-Parganas ..	..	2	..	..
Murshidabad ..	..	..	1	..
Jessore ..	2	1	..	..
Khulna ..	..	1	1	..
Burdwan ..	..	1	..	..
Dacca ..	1	..	..	..
Mymensingh ..	2	..	..	..
Bakarganj ..	2	..	..	..
Faridpur ..	1	..	1	..
Chittagong ..	1	..	..	..
Noakhali ..	2	..	..	..
Tippera ..	1	..	..	..
Rajshahi ..	..	1	..	..
Rangpur ..	..	..	1	..
Darjeeling ..	..	..	..	1
	12	8	4	2
		26		

The Bengal Agricultural Debtors Act.

52. Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*a*) that there is a growing volume of public opinion in this province that the existing method of operation of the Bengal Agricultural Debtors Act has tended to destroy rural credit facilities by suddenly disturbing the economic structure which had been in existence from time immemorial; and

(*b*) that the poor agriculturists for whose relief the Bengal Agricultural Debtors Act was passed are finding it difficult to carry on their usual avocations on account of this sudden shrinkage of credit facilities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The hon'ble member is referred to the reply given to starred question No. 129 on the 8th February, 1939.

(*b*) No.

Mr. KAMINI KUMAR DUTTA: Arising out of answer (*a*), wherein reference has been made to the reply given to starred question No. 129 on the 8th February, 1939, will the Hon'ble Minister be pleased to state what are the factors which have led to the contraction of rural credit besides the operation of the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I do not admit all that the hon'ble member desires to assume in this question of his, but I can only add that financial difficulties due to economic distress along with the feeling of avoiding payments have been the causes so far as contraction of rural credit is concerned.

Mr. KAMINI KUMAR DUTTA: With reference to his reply to that same question 129(*b*), where it was stated that the Government is considering the problem of rural credit and is expected to formulate concrete proposals shortly, will the Hon'ble Minister be pleased to give us an idea of the time within which any concrete proposal can be expected to be formulated by the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Besides what has already been said, I am not in a position at the present moment to give any idea about the time.

Mr. KAMINI KUMAR DUTTA: Not even an approximate idea?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Government are considering the question and will get to the solution as soon as possible.

53. Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the All-Bengal and Assam Lawyers' Conference held at Mymensingh in December last adopted a resolution opining—

(*a*) that the working of the Bengal Agricultural Debtors Act under the present system very often occasions failure of justice; and

(*b*) that the absence of a trained legal mind at the head of the Conciliation Boards contemplated under the Bengal Agricultural Debtors Act is primarily responsible for arbitrary findings in many cases in disregard of the cherished notions of justice and fair play?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) and (*b*) No copy of any such resolution was sent to Government.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if it is not a fact that there is a particular department in the Secretariat for drawing the attention of the Ministers to all that may appear in the Calcutta newspapers regarding any matter of public importance and are not the relevant paper-clippings placed before the Ministers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as this subject is concerned, all that I can say is that my attention has not been drawn to any such thing as yet.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if he happened to read anything about the resolution of the All-Bengal and Assam Lawyers' Conference held at Mymensingh during the last X'mas week regarding the operation of the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know if my own reading of any paper will be of any avail to the hon'ble member?

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he thought it was not worth his while at all as a Minister to keep himself acquainted with the collective opinion of the lawyers of this province about the operation of this Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, whenever I have been out on tour, I have made it a point to meet Lawyers' Associations wherever they exist in the interior of the province.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please tell the House that he was not at all aware of the fact that a Conference of all the lawyers of the province was held at Mymensingh and that a resolution was actually passed regarding the operation of the Bengal Agricultural Debtors Act in that Conference?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the Government expect that if the Lawyers' Conference held this matter to be of so much importance, a copy of the resolution should have been sent to the Government for their consideration.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if it is the policy of the Government not to pay any attention to any views expressed by the public unless a copy is sent to the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: When the attention of the Government is drawn to it, certainly the Government will give that matter due and respectful consideration.

Dr. RADHA KUMUD MOOKERJI: Is it the policy of the Hon'ble Minister not to be responsible or responsive in any way to public opinion?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Nothing is farther from my mind than a suggestion of this nature.

54. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether reports have been received by his department from responsible officials having opportunities of studying the reactions of the operation of the Bengal Agricultural Debtors Act in different districts to the effect that it has been gradually tending to embitter the relations between the agriculturists and the creditor classes in the rural areas?

(*b*) Has the Hon'ble Minister received any report from any district about any actual disturbance between the agriculturists and the *mahajans* directly or indirectly to the operation of the Bengal Agricultural Debtors Act?

(c) Does the Hon'ble Minister propose to repeal or in any way radically or substantially alter the provisions of the Bengal Agricultural Debtors Act in order to remove the hardships caused by its operation on the agriculturists?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) and (*b*) No.

(*c*) The hon'ble member is referred to the amending Bill published in the official gazette of the 12th January, 1939.

55. Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department propose to amend the Bengal Agricultural Debtors Act in such a way as would allow the Conciliation Boards to be presided over only by Munsifs or Judicial Officers of some training and that the appeals against the decisions of the Conciliation Boards may be heard only by appellate officers not below the rank of a Subordinate Judge?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister please state if it is correct to say that the Government are very much averse to any judicial control over these Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would only refer the hon'ble member to the provisions of the Act which make it quite clear that there is a good deal of judicial control over what these Boards are doing.

Mr. KAMINI KUMAR DUTTA: My first question was whether the law was to be amended in such a manner as to give judicial control over these Boards, and my present question is whether it is the policy of Government that these Boards should be kept free of all judicial control over their activities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have, Sir, already given my answer and if the hon'ble member insists on a repetition of the same reply, I would in that case repeat that the existing provisions of the Act make for sufficient judicial control over the activities of these Boards.

Mr. KAMINI KUMAR DUTTA: Sir, I know the existing provisions of the law. My question is whether Government intend to amend the law in a manner which would give them judicial control over these Boards.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered the question, Sir.

Government of Bengal's contribution to the Indian Mental Hospital.

56. Mr. RANAJIT PAL CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what percentage of the total grant to the Indian Mental Hospital at Kanke is contributed by the Government of Bengal?

(*b*) What is the percentage of Bengali patients?

(*c*) What is the total number of male attendants (called warders) and what percentage of them are Bengalis?

(*d*) What is the total number of female attendants (called *ayahs*) and what percentage of them are Bengalis?

(*e*) What is the grade of pay of the aforesaid warders and *ayahs*?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) 75 per cent. of the total expenditure of the Ranchi Indian Mental Hospital is paid by the Government of Bengal.

(*b*) 75 per cent.

(*c*) 332 including 18 *jamadars*. Of these, Bengalis numbering 29 form 8·73 per cent.

(*d*) 89 including 6 *jemadarins*. Of these none are Bengalis.

(*e*) The rates of pay are—

Head *jemadar* and head *jemadarin*—Rs. 45 per month.

Jemadars and jemadarins—Rs. 30 per month.

First grade attendants (male and female)—Rs. 24 per month.

Second grade attendants (male and female)—Rs. 21 per month.

Third grade attendants (male and female)—Rs. 18 per month.

Mr. RANAJIT PAL CHOUDHURY: Considering the substantial grant for a large number of Bengalee patients in that hospital, will Government press the authorities to employ a proportionate number of Bengalee attendants to cater for those who nurse these patients?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes; Government intend to press for the employment of a larger number of Bengalees.

Mr. RANAJIT PAL CHOUDHURY: Will that number be in proportion to the number of patients or to the amount of the grant that the Bengal Government makes?

The Hon'ble Mr. TAMIZUDDIN KHAN: Well, Government are prepared to press for the employment of as many Bengalees as possible.

Dr. RADHA KUMUD MOOKERJI: With reference to the answer to question (*a*), may I know on what principle is the poor Government of Bengal fleeced to the extent of paying 75 per cent. of the total cost of the upkeep of an institution which is located outside the province?

The Hon'ble Mr. TAMIZUDDIN KHAN: If I have to refer to any principle at all, I would refer the hon'ble member to my answer (*b*), namely, that the number of patients is also 75 per cent.

Dr. RADHA KUMUD MOOKERJI: Another question, Sir, arising out of answer to question (*a*): is it a fact that 75 per cent. of the population of Bengal are annually treated as lunatics?

(No answer.)

Recruitment of Bengalis to services in the Indian Mental Hospital.

57. Mr. RANAJIT PAL CHOUDHURY: (*a*) Do the Government propose to direct the Superintendent of the Indian Mental Hospital, Ranchi, to continue recruitment of larger number of Bengali warders, till the percentage is proportionate to the contribution to the Hospital by the Government of Bengal?

(*b*) Is the Hon'ble Minister aware that the claim of even the few Bengali temporary warders to permanent vacancies is being ignored in preference to the local people with less experience?

(*c*) Is it a fact that the present system of recruitment of warders depends only on the selection of one officer of the Institution?

(*d*) Do the Government propose to insist that three-fourths of the medical, nursing and clerical staff of the said Institution be recruited from amongst the Bengalis?

(*e*) Do the Government propose to move the Government of Bihar to appoint a Service Committee consisting of local non-official visitors of the Institution and of Bengalis, domiciled or otherwise, for recommending all appointments for the Institution, excepting the medical staff?

The Hon'ble Mr. TAMIZUDDIN KHAN: Necessary information has been asked for. Reply to the question will be given as soon as materials are available.

Mr. RANAJIT PAL CHOUDHURY: Will the answers be given in this session or will they be forwarded to us after the session is over?

The Hon'ble Mr. TAMIZUDDIN KHAN: We shall expedite the matter and an answer will be given as soon as possible.

European Mental Hospital.

58. Mr. RANAJIT PAL CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what per cent. of the total grant to the European Mental Hospital at Kanke is contributed by the Government of Bengal?

(*b*) What is the percentage of Bengali employees in the said Hospital?

(*c*) Do the Government propose to direct the Medical Superintendent through the Board of Trustees of the Hospital to recruit the staff for the Hospital from among the Bengalis in proportion to the contribution made by Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The contribution paid towards the maintenance of the European Mental Hospital varies each year, being calculated on the number of patients from Bengal and the number of days spent by the patients in the Hospital. The total amount paid in 1937-38 was Rs. 1,85,511. The total annual cost of maintenance of this Institution in 1937-38 was Rs. 3,39,056.

(*b*) 4.

(*c*) The European Mental Hospital being a Federal subject is not primarily the concern of the Provincial Government. Government will consider whether the Central Government should be addressed in the matter.

Mr. RANAJIT PAL CHOUDHURY: With reference to the answer to (*c*), will the Hon'ble Minister be pleased to inform the Central Government about our grievances with regard to this particular hospital?

The Hon'ble Mr. TAMIZUDDIN KHAN: Will the hon'ble member please let me know what grievances he means?

Mr. HAMIDUL HUQ CHOWDHURY: With reference to both these questions, may I know who is the controlling authority of both these hospitals mentioned in the previous question and in the present question—I mean the Ranchi Indian Mental Hospital and the European Mental Hospital at Kanke?

The Hon'ble Mr. TAMIZUDDIN KHAN: There is a Committee which controls the management of these two hospitals.

Mr. HAMIDUL HUQ CHOWDHURY: What is the constitution of this Committee—I mean who appoints them?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice, Sir.

Staff of the Indian Mental Hospital.

59. Mr. RANAJIT PAL CHOUDHURY: (*a*) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware of the preferential treatment given to the Bihari staff employed in the Indian Mental Hospital in relation to the Bengali staff?

(*b*) Are the Government aware that the Second Assistant Superintendent of the Indian Mental Hospital who hails from Bengal has been superseded by the present First Assistant Superintendent who belongs to Bihar and are they aware that the latter is much junior in service to the former?

(*c*) If so, do the Government propose to move the Government of Bihar to compensate the Second Assistant Superintendent for his loss due to his supersession?

(*d*) Are the Government aware of the fact that the prescribed period of deputation of each Assistant Surgeon to the Ranchi Indian Mental Hospital is only two years and is it a fact that the First Assistant Superintendent is still being retained in his present appointment though he has completed his full term of two years?

(*e*) Is it a fact that the percentage of Bengali patients in the Indian Mental Hospital is much larger than that of other patients and will Government take proper steps for the appointment of a Bengali Superintendent for the Institution for the convenience of the Bengal patients?

The Hon'ble Mr. TAMIZUDDIN KHAN: Necessary information has been asked for. Reply to the question will be given as soon as materials are available.

Tube-wells within the Debhatta Municipality.

60. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) whether a scheme for the improvement of the rural water-supply by the sinking of a few tube-wells within the Debhatta Municipality, in Khulna district, was sent to Government so far back as 1931;

(*b*) whether the scheme as adumbrated by the Municipality was sanctioned by the Government with some suggestions for the proper upkeep and periodical renewal of the tube-wells and is it a fact that effect could not be given to the said proposals during the year for want of sufficient funds:

(*c*) whether the problem of rural water-supply within the said Municipality has been tackled and improved in any other way since then; and

(*d*) if the answer is in the negative; whether the Government propose to make the necessary provision in the coming Budget to enable the Municipality to carry out the said long-felt beneficent scheme?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) and (*b*) The hon'ble member is referred to the reply given to his question (No. 121) on this subject in the last session of the Council.

(*c*) 14 tube-wells have since been sunk in the municipality.

(*d*) Does not arise.

Point of Privilege.

Dr. RADHA KUMUD MOOKERJI: May I be permitted, Sir, to raise a point of privilege at this stage?

Mr. PRESIDENT: Please state your question first: What is the question on which you want to raise a point of privilege?

Dr. RADHA KUMUD MOOKERJI: I regret the circumstances under which I am seeking to raise this point of privilege. To-day it is a point of privilege affecting this House and I wish to move a resolution on this subject.

Mr. PRESIDENT: Yes, you may.

Dr. RADHA KUMUD MOOKERJI: Sir, my resolution is this: This Council is of opinion that the privileges conferred on this House by section 84(*1*) of the Government of India Act, 1935, to lay down the rules and procedure for its own business have been violated, and no action has yet been taken on the report of the Select Committee on the subject which was submitted to this House more than six months back. I refer to the Select Committee that was appointed for framing of rules by which this Council would be able to regulate its own procedure and business. If I have your permission, then I can make my point clear.

Mr. PRESIDENT: Yes.

Dr. RADHA KUMUD MOOKERJI: Thank you, Sir:

I hope that some members who belong to another place will come here with a greater sense of appreciation of the inherent rights and privileges which belong to this House as an integral part of the Legislature of this province. I think, Sir, that in all matters except perhaps matters concerning finance, this Council must be treated as an equal of the other House. I would, in this connection, recall the hon'ble members' attention to section 73(*1*) of the Government of India Act, 1935, by which a Bill may originate in either Chamber of the Legislature—that is a specific provision which really declares that this House is the equal of the Lower Chamber in regard to a very important matter, namely, in the matter of the initiative as regards legislation. Then I come to sections 84 (*1*) and 84 (*3*) of the Act. Section 84 (*1*) lays down that the Council has a right to make rules for regulating its procedure and conduct of business and until such rules are made, the rules of procedure and Standing Orders shall have effect, subject to certain modifications. Now, we have been very shabbily treated by certain persons who are controlling this Council, although they are not members of this body, and I shall presently explain how this sinister control has been regularly exercised, leading to the abuse of the privilege of this House. Sir, about sixteen months back, by virtue of the privilege conferred on this House under section 84 (*1*), this Council set up a Select Committee for the purpose of suggesting rules, and the motion to that effect was moved by no less a person than the Hon'ble Finance Minister himself who, however, at that time showed a greater appreciation of the rights and privileges of this House. But what has happened since then to that Select Committee's Report? That Committee, Sir, was appointed two years back, some time in 1937, and they reported about six months back. The Select Committee took about a year to consider the subject and reported about August, 1938. They have reported, Sir, but the powers that be, have since then been looking askance at the report and have been trying their best to find out how the report can be delayed and shelved. The Hon'ble Khwaja Sir Nazimuddin referred to this matter on the floor of the Council on the 23rd August and in the course of his speech, he took up a position which is not quite warranted under the Act itself, namely, that the set of rules which this Council should frame should tally with those framed by the other House. I do not see, Sir, why he has been always insistent on this point. I do not think that you can contemplate the same set of rules to operate under the quite radically different conditions under which the two Houses are working. There is no case for a second Chamber, unless you agree at the outset that the conditions

under which the second Chamber works are somewhat different from the conditions under which the other Chamber works. I can give instances to show how the same set of rules cannot operate for both the Houses. In the first place, our standing and fundamental complaint is that this Council goes on still unrepresented on the Cabinet and this introduces complications in the business of the Council. The second point is that, up to now, the Government have not been able to show any courtesy to this House by initiating some legislation or other here. Sir, why don't they take into confidence the Upper House and initiate legislation here? The other day the Hon'ble Finance Minister was good enough to pay a compliment to the supposed wisdom of this House of Elders, but how is it that this wisdom is not being fully exploited by the Government? Why don't they first consult this House with regard to their many schemes of legislation? So that I find that their actual performance does not support the very sweet words that are sometimes uttered here by the Ministers now and then. I think, Sir, that the very conception of the functions of an Upper House means that the Upper House ought to exercise this power of initiative in regard to legislation. I think the Upper House is not swayed by the random gusts of popular passion which sweep over the country; on the other hand, it keeps its head cool, and takes a detached view of politics. Therefore the Upper House is the body which should play an important part in the matter of initiation of important legislation for which there is a demand in the country.

Not merely is there a power of initiative, but there is also the power of revision given to the Upper House, but it seems to me that the Council of Ministers thinks that the Upper House should be rigidly confined to only one of its constitutional functions, namely, the function of exercising some feeble power of revision over the precipitate legislation that is being sent to this House off and on, under the pressure of public passion, I should say. Lastly, I say that we are really faced by entirely different conditions under which we have got to work. The Upper House is not getting enough days for the transaction of the normal business of the House. The Upper House is prevented really from fulfilling its part in the constitution owing to the very meagre allowance that has been made by the Government in the matter of allotment of days for the transaction of its business. The result is that a large number of resolutions is not at all reached. I think in this session we have a record, namely, one or two resolutions have been reached and discussed. Now, on account of these several points, I think that the Hon'ble Home Minister is not quite right in waiting for the time when the two Select Committees of the two Houses that have reported on two sets of rules should be brought together so as to produce a sort of common or unanimous report. I do not see any point in delaying matters on that ground. I do not, of

course, under-rate the value of these conferences for the purpose of exploring avenues of uniformity and harmony between the two Houses, but what really prevented the Hon'ble Home Minister from bringing about a joint meeting of, say, the President and the Speaker and the member of the Council in charge of this report is beyond my comprehension. These three persons could be easily brought together for the purpose of some kind of concrete settlement of the questions that are at issue. In the meanwhile, I find that there has been going on, to use a strong language which may be, Sir, unparliamentary,—I am afraid, that there is going on a kind of sinister movement by which effective invasion might be launched against the privileges of this House. The Home Minister is himself responsible for not allowing the Council to pass its rules, and having been himself responsible for this delay, he is now taking recourse to another step by which, in the absence of rules framed by the Council, he has invoked the authority of the Governor to intervene with a rule which really strikes a blow at the very structure of our rights and privileges. Now, the other day, a question arose as regards some ordinance. The notice for the motion on the ordinance was given some days back, but shelter was taken under the doubtful wording of sections 84(*1*) and 84(*3*) of the Government of India Act. Section 84(*1*) says that the Governor shall in his discretion, after consultation with the Speaker or the President, make rules where the rules are not yet framed by the Council. Now, my first point would be, was the President consulted when the intervention of the Governor was invoked by Government in this matter? I am afraid that the President of the House, perhaps, was not consulted—I do not know—but I have a right to assume that he was not.

Secondly, even though, as laid down in section 84 (*1*), the Governor shall use his discretion in the making of rules within a strictly defined sphere, and section 84(*3*) no doubt gives the Governor power to intervene in his own discretion, I am of the opinion that the exercise of discretion by the Governor is also limited by other sections of the Government of India Act, and therefore my argument is that firstly, the Government themselves are responsible for not allowing the Council to have its own set of rules although enough time was given to them for getting the rules passed by the Council.

My second point of complaint is that having cleared the way for them, they now approach the Governor and ask for his intervention, and thirdly, this intervention has been obtained for matters which lie outside the scope of the Governor's discretion. The Governor can intervene for the sake of framing rules——

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I rise on a point of order, Sir? I think my friend is labouring under a misapprehension. Section 84(*1*) applies only to

some specific matters, a list of which has been given. With regard to those matters the Governor has got to consult either the President or the Speaker, but the point which my friend has raised is actually covered by section 84(*3*) in which case the Governor can use his discretion without consulting the President or the Speaker. There is a line of demarcation between the two and besides that, it is for you to consider, Sir, whether any action taken by the Governor in the exercise of his prerogative could be discussed here unless a resolution was moved to that effect with his permission.

Dr. RADHA KUMUD MOOKERJI: I am afraid my friend has not quite understood what I was driving at.

The Hon'ble Khwaja Sir NAZIMUDDIN: Not only he but nobody in this House has understood you.

Dr. RADHA KUMUD MOOKERJI: Perhaps it is too subtle for this House. Of course, the accused cannot understand the attack on him. Very well, I shall make it very simple. Government themselves are responsible for the situation created in the absence of rules in this Council. So far as this Council is concerned, it has discharged its duty by placing the report on rules as early as possible. The rules were framed about six months back. At that time the Home Minister assured the Council that he would take every step to expedite the passing of these rules.

Now, my second point is this: that having been himself responsible for the situation created in the Council he should not have gone and levelled an attack upon the privileges of the House by the backdoor, that is to say, by surreptitiously going up to the Governor and asking for his intervention without taking the Council into his confidence. My third point is that he has not given the correct legal advice——

Mr. PRESIDENT: Order, order. So far as the Governor acted under section 84(*3*), he acted in his discretion and in that case it will not be fair to say that he has been influenced by the Ministers surreptitiously.

Dr. RADHA KUMUD MOOKERJI: My point, Sir, was that the Ministers did not give correct legal advice to the Governor for his intervention. I still say that the discretion of the Governor is to be exercised under certain limitations imposed by the Act itself, that is to say, the Governor has special powers and discretionary powers——

Mr. PRESIDENT: Order, order. When the Governor acted in his discretion, he was not bound even to ask for the advice of the Ministers, far less bound to accept their advice.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on the other hand, I would say that the Ministers have no right to tender advice and I should have thought that Dr. Mookerji should have known better than anybody about this.

Dr. RADHA KUMUD MOOKERJI: I am not speaking of law but of convention, of what goes on behind the door. Taking things as they are, I think Sir, that the Instrument of Instructions may be consulted on the matter and I think it is meant there that the Governor also must use his special powers within certain limits and with reference to certain subjects.

My last point would be this: that very ungenerously retrospective effect was given to the modification introduced by the Governor in regard to section 57 of the Rules and Standing Orders and thereby sanction was withheld from a notice which was delivered long before the Governor"s intervention was even thought of.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Can there be any dissension in this House on an action taken by the Governor in his discretion?

Mr. PRESIDENT: You are quite correct. As I have said, the matter is now closed. Dr. Mookerji, if you wanted to raise an objection, you should have done it at the proper time. Anyway, this is not the time to discuss that matter.

Dr. RADHA KUMUD MOOKERJI: Sir, I took objection that very day on the score of retrospective effect being given to section 57 as modified by the Governor.

Mr. PRESIDENT: I gave my ruling at that time and you should not raise the question now.

Dr. RADHA KUMUD MOOKERJI: All right, Sir. As a matter of fact, I was only stating the fact before the Council. The Council gave about 4 days' notice for an adjournment motion on the Jute Ordinance, and now this is to be ruled out by a special authority on the 16th. This was 4 days earlier. However, my case is put in the resolution that I have moved already, namely,—This Council is of opinion that the privileges conferred on this House by section 84 (*1*) of the Government of India Act, 1935, to lay down its own business and procedure has been violated as no action has yet been taken on the Report of the Select Committee on the subject which was submitted to this House more than six months back. I am saying this to-day

because in a few days, perhaps in three or four days, this session will close. The rules will remain in the same chaotic condition, in the melting pot as if they had not been framed. I do not know when the rules will be framed. Perhaps, we will have to wait till November. Perhaps the Government will believe in not convoking these popular assemblies very frequently. There may be changes of policy. So, I am afraid, we may meet next February. My point is this, that even now the Home Minister can come to the rescue of the Council by giving an additional day when these rules can be easily settled. I therefore, Sir, move this resolution.

Mr. PRESIDENT: At the very outset, when Dr. Mookerji moved his motion I asked him to state his points. In his speech, of course, he has raised various points; but the main question that he has raised is this—

> "This Council is of opinion that the privileges conferred on this House by section 84(*1*) of the Government of India Act, 1935, to lay down its own business and procedure has been violated as no action has yet been taken on the report of the Select Committee on the subject submitted to this House more than six months back."

It will be for the House to decide whether they will refer this matter to the Privilege Committee. We have a Privilege Committee to which ordinarily the House agrees to refer matters on points of privilege. It is first considered by the Committee and then it comes back to the House for its final decision. Dr. Mookerji has given the House some dates and in his speech he has made his points clear. The Chair desires to reply to one or two points that he has incidentally raised, which are not really points at issue. He said that the Governor was required by the Statute to consult the President for changing rule 57 of the Council Rules and Standing Orders. There, he is wrong, because the Governor acted under section 84 (*3*) of the Government of India Act, 1935 and this provision is applicable only to issues arising during the *interim* period before the Council takes up the work of framing its own rules for the regulation of its procedure and conduct of business; while section 84 (*1*) (*a*) where the Governor acts in his discretion, is a permanent proviso. Under this section, even after the House makes its own rules, the Governor will have scope and jurisdiction to make rules overriding the rules of the House in regard to matters affecting the discharge of his functions in so far as he is by or under the Government of India Act, 1935, required to act in his discretion or to exercise his individual judgment. So I hold that so far as modifications of section 57 of the Rules and Standing Orders by the Governor is concerned, there was no material irregularity.

As regards the other point, it will be for the House to decide. It is on record that the first motion was moved on the 13th August, 1937. Then there was Mr. Ormond's motion inviting suggestions from members on the 10th of September, 1937. Mr. Hamidul Huq Chowdhury, Deputy President, presented the *interim* report on the 24th January, 1938.

After that a fairly long period intervened and the final report was submitted on the 17th August, 1938. It is certainly true that the House has in this way been deprived of a valued right in not being able to make its own rules and the Opposition may certainly complain that before the rules have been framed the Governor can make rules and amended or revised them. But that right is given to the Governor under the Statute. As I reminded the House on that occasion also, it is the House's undoubted right under the Statute to make its own rules, and certainly it is a question of privilege, and I requested the Hon'ble Minister in charge of Constitution and Elections that he should expedite the framing of the rules. Strictly speaking, it is true that the other House has nothing to do with the making of the rules of this House. On this point, the Statute is quite definite. Each House is competent to make its own rules independently of the other. It is not like an ordinary legislation where one House passes certain legislation and sends it to the other for acceptance or refusal. Of course, the Chair can conceive of informal understanding between one House and another, but on the floor of the House the Chair would not encourage any suggestion to the effect that the framing of rules of one House should have to be delayed because the other House was being consulted in the matter. However, I know that the Government is as anxious as the Opposition to frame rules of procedure for this House as early as possible. The Chair desires that early steps will be taken in the matter. So that, before the session closes, there will be time for this House to give its final decision on the rules framed. As the motion has been moved, I must place it before the House.

The question before the House is that this Council is of opinion that the privilege conferred on this House by section 84(*1*) of the Government of India Act, 1935, to lay down its own business and procedure, has been violated, and no action has yet been taken on the report of the Select Committee on the subject which was submitted to this House more than six months back.

The motion was agreed to.

Mr. PRESIDENT: The motion is, therefore, referred to the Privilege Committee for report.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I rise on a point of order, Sir? May I draw your attention to——

Mr. PRESIDENT: Order, order. That matter has been referred to the Privilege Committee and is closed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am rising on a point of order——

Mr. PRESIDENT: A point of order is raised when a point of procedure is involved. There must be something before the House in regard to which any member can raise a point of order and say that there has been an error in the procedure. When there is nothing before the House, no point of order can be raised.

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as my point of order is concerned, it involves a very important question, namely, the fact that the Hon'ble mover has criticised the action of the Governor in his speech——

Mr. PRESIDENT: But I have not allowed that.

The Hon'ble Khwaja Sir NAZIMUDDIN: However, I think that that portion of the speech should be expunged from to-day's proceedings.

Mr. PRESIDENT: Well, that will be a further motion that you may be permitted to move to-morrow.

We will now take up Non-official Bills.

NON-OFFICIAL BILLS.

The Bengal Relief to the Poor and Unemployed Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Relief to the Poor and Unemployed Bill, 1937, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Relief to the Poor and Unemployed Bill, 1937, as reported by the Select Committee, be taken into consideration.

The motion was adopted.

Clauses 1 and 2.

Mr. PRESIDENT: The question is that clauses 1 and 2 stand part of the Bill.

The question was agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that to clause 3 of the Bill the following new sub-clauses be added at the end, namely:—

"(*4*) The Poor Box shall be opened in the presence of at least 3 members of the Committee, and the contents thereof counted and entered in the Cash Book under the initial of the members present.

(*5*) Subscriptions and contributions otherwise collected shall also be entered in the Cash Book, the subscriber or the contributor being given written receipt for the amount paid."

Sir, in the Bill itself, provisions have been made for a Poor Box and for double keys and other things, but no provision has been made about money being counted and entered in the Cash Book, etc. So, I move the above two amendments with that end in view.

Mr. PRESIDENT: Amendments moved, namely, that to clause 3 of the Bill, the following new sub-clauses be added at the end, namely:—

"(*4*) The Poor Box shall be opened in the presence of at least 3 members of the Committee, and the contents thereof counted and entered in the Cash Book under the initial of the members present.

(*5*) Subscriptions and contributions otherwise collected shall also be entered in the Cash Book, the subscriber or the contributor being given written receipt for the amount paid."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I just suggest to the hon'ble mover of the amendment that all these details should not be entered in a Bill? These may be left to the rule-making powers of Government. These details should never form part of the Statute. There is rule-making power given to Government under clause 15 of this Bill and all these details should be left to be provided for by these rules. That is my suggestion for the consideration of the hon'ble mover, for such rules can never be exhausted and suitable amendments can hardly be moved on the floor of the House. Probably, Government will have to frame rules to provide for certain contingencies which cannot be embodied in the Bill itself.

Mr. KAMINI KUMAR DUTTA: Sir, I think that the amendment proposed is of a very wholesome character. We often hear that public funds are not honestly dealt with. It is therefore necessary that safeguards should be provided to ensure that there may not be any mishandling of public funds. These amendments which lay down that "the Poor Box shall be opened in the presence of at least 3 members of the Committee and the contents thereof counted and entered in the Cash Book under the initial of the members present" and which also provide that "subscriptions and contributions otherwise collected shall also be entered in the Cash Book, the subscriber or the contributor being given written receipt for the amount paid"—appear to me to be quite reasonable amendments and provide safeguards against any misapplication or misappropriation of the funds collected. I think, therefore that these two amendments should be accepted.

Mr. PRESIDENT: The question before the House is that to clause 3 of the Bill, the following new sub-clauses be added at the end, namely:—

"(4) The Poor Box shall be opened in the presence of at least 3 members of the committee, and the contents thereof counted and entered in the Cash Book under the initial of the members present.

(5) Subscriptions and contributions otherwise collected shall also be entered in the Cash Book, the subscriber or the contributor being given written receipt for the amount paid."

The question was agreed to.

Mr. PRESIDENT: The question is that clause 3 as amended stand part of the Bill.

The question was agreed to.

Clauses 4 and 5.

Mr. PRESIDENT: The question is that clauses 4 and 5 stand part of the Bill.

The question was agreed to.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stands part of the Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in clause 6 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) Every Committee shall prepare and maintain a poor and an unemployed list (hereinafter referred to as the List) in which shall be entered—

(*a*) names of all persons (other than dependents) within the union who are not assessed to union rate; and

(*b*) names of all wage earners (other than dependents) who have been unemployed for a period exceeding one month and have nothing else to fall back upon for subsistence during periods of unemployment."

I find, Sir, that this clause can be so interpreted as to include unemployed agriculturists who have sufficient means to support themselves, but who at some period or other may not have got any employment, and this fact may result in their being entered in the list. In that case the list will be so bulky and unmanageable that it will be worse than useless. That is why I propose that clause 6(*1*) be re-drafted in such a way that only those persons who will be really in need of help—their names only may find place in the list. So I propose that sub-clause (*1*) of clause 6 be re-drafted in the above manner.

Mr. PRESIDENT: Amendment moved: That in clause 6 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) Every Committee shall prepare and maintain a poor and an unemployed list (hereinafter referred to as the List) in which shall be entered—

(*a*) names of all persons (other than dependents) within the union who are not assessed to union rate; and

(*b*) names of all wage earners (other than dependents) who have been unemployed for a period exceeding one month and have nothing else to fall back upon for subsistence during periods of unemployment."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would draw the attention of the House to the words "wage-earners" in sub-clause (*b*) of the amendments—that is a very vague term, and it will be extremely difficult for the committee to prepare a list on that basis. It may not be known to the committee as to who are wage-earners and who are not. The committee may find out as to who are assessed to Union rates and who are not. But who earns wages and who does not, the committee can hardly find out. Therefore, if this amendment is accepted, an impossible task will be entrusted to the committee, and

I would request the hon'ble mover to consider the implications of his amendment. His words are "names of all wage-earners (other than dependants) who have been unemployed for a period exceeding one month and have nothing else to fall back upon for subsistence during periods of unemployment". Well, Sir, a person may be a wage-earner to-day, but he may not be a wage-earner to-morrow, because, as we know from our experience, there are cultivators who have got small plots of lands. They are not wage-earners during some months of the year, and they have to earn their living by working as day-labourers during some months of the year. So wage-earners and non-wage-earners are not divided into water-tight categories; and that is a point which should be borne in mind before this amendment is accepted. It will be an impossible task for the committee, if I may so submit, to find out who are wage-earners and who are not. Therefore, all the energy and enthusiasm of the committee which this duty will throw on them will be exhausted if they have to prepare a list on the basis of this amendment.

Mr. KAMINI KUMAR DUTTA: No doubt, Sir, as has been contended by the Hon'ble Minister, after all the expression "wage earner" is not a very happy one. But at the same time the original section as it stands is worse. There, the wording is, "the names of all persons within the Union other than dependants of or about the age of 12 years who have been unemployed for a period exceeding one month." So, the only qualifying expression there is "those who have been unemployed for a period exceeding one month." It is a very wide definition. It may include any number of persons and the whole thing may be unworkable.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Even zemindars.

Mr. KAMINI KUMAR DUTTA: Why zemindars? Any class.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Zemindars are not as yet unemployed. They have not yet come to that stage.

Mr. KAMINI KUMAR DUTTA: People of any class may claim to be included in this list on the excuse that they have been unemployed for a period exceeding one month. Then, at the same time it may not apply to one who is really intended to be included within the scope of this Act. So, whether this expression "wage—earner" is quite happy or not, certainly it is far better than the original section, and as between the original section and the amendment, the amendment ought to be preferred.

Mr. PRESIDENT: Khan Bahadur, are you agreeable to accept the suggestion of the Hon'ble Revenue Minister?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, is there any right of reply for me, Sir?

Mr. PRESIDENT: There is no right of reply in case of amendments.

The question before the House is that in clause 6 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) Every Committee shall prepare and maintain a poor and an unemployed list (hereinafter referred to as the List) in which shall be entered—

(*a*) names of all persons (other than dependents) within the union who are not assessed to union rate; and

(*b*) names of all wage earners (other than dependents) who have been unemployed for a period exceeding one month and have nothing else to fall back upon for subsistence during periods of unemployment.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 6 as amended stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: The question before the House is that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: The question before the House is that clause 8 stand part of the Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in clause 8 of the Bill in sub-clause (*2*), for the word "less" the word "more" be substituted.

According to the Bill as it stands, if the funds at the disposal of the Committee be not sufficient to give one anna or half an anna rate, it

may not be able to render any help at all. So, our object is to fix a maximum at the time of giving the doles. That should be the maximum, and more than that payment should not be made. So, instead of "less than" it should be "more than" as suggested in my amendment

Mr. PRESIDENT: Amendment moved that in clause 8 of the Bill, in sub-clause (*2*), for the words "less" the word "more" be substituted.

The question before the House is that in clause 8 of the Bill in sub-clause (*2*), for the word "less" the word "more" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 8 as amended stand part of the Bill.

(The motion was agreed to.)

Clauses 9 and 10.

Mr. PRESIDENT: The question before the House is that clauses 9 and 10 stand part of the Bill.

(The motion was agreed to.)

Clauses 11 and 12.

Mr. PRESIDENT: The question before the House is clause 11—Khan Bahadur Ataur Rahman, do you move your amendment?

Khan Bahadur ATAUR RAHMAN: No, Sir, I do not move my amendment.

Mr. PRESIDENT: The question before the House is that clauses 11 and 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: The question before the House is that clause 13 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) Notwithstanding anything contained in any other law or enactment in force, every Union Board shall annually contribute at least five *percentum* of its annual receipt from union rates to the fund;

(*2*) The Provincial Government and any District Board to the extent of its jurisdiction, may contribute to the fund at any time and any such contribution shall be disbursed by the Committee in accordance with any conditions that may be attached to the contribution."

Mr. President, I think this is a most important amendment which should be added to the proposed Bill, if it is the intention of the House that the Bill should be made a workable one and it should not be made a dead letter in many cases. I think this amendment should be added. The whole principle of the Bill depends on voluntary contribution and that contribution with necessary fund shall be collected principally through charity boxes. Many of the hon'ble members have an experience of the mufassil area and they can judge from their experience how far charity boxes will bring money to the fund. So, there must be some clause or some provision in the Bill which would at least place at the disposal of the Presidents of Union Boards some money for making an experiment on the lines proposed in the Bill. There is another matter to be considered by the hon'ble members of the House and that is how far we will be justified in placing the Presidents of the Union Boards in a very embarrassing position in the mufassil areas. Some of these Presidents may happen to be Presidents of Union Benches, may be Presidents of Debt Settlement Boards. If they come to the people with a bowl of charity, it will not be in keeping with their position of trust and help.

Secondly, there is another aspect. There will be some Union Board Presidents who are enthusiastic enough, who may take some action, but there is no compulsion to take necessary action in the matter. So, I think this amendment is necessary and I appeal to the members of the House to accept it.

Mr. KAMINI KUMAR DUTTA: Sir, I rise on a point of Order. The amendment, as proposed, wants to lay down that it should be obligatory upon the Union Boards to contribute at least 5 per cent. of its annual receipts to this particular fund. Now, there is the Village Self-Government Act which has clearly provided how the Union Board Fund is to be applied and without any amendment to that Act, I do not think there can be any law by which practically there could

be an amendment of the Village Self-Government Act itself and by which the law regulating the application of Union Board Fund is going to be modified without an amendment of the main Act itself. I would like to say that the amendment proposed is absolutely *ultra vires* as there is no proposal to have the Village Self-Government Act amended for the purpose.

Mr. PRESIDENT: Will Mr. Dutta kindly point out the particular section of the Village Self-Government Act that is being referred to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I make my submission? I do not agree with my hon'ble friend there that this amendment is *ultra vires* of the Village Self-Government Act. It is true that the ways how the funds of the Union Boards should be spent are laid down clearly in the Village Self-Government Act, but the funds are not allotted for any particular purpose. Certainly, if they can manage within 95 per cent., they can save 5 per cent. for this purpose. Here the wording is "notwithstanding anything contained in any other law". So that answers the point of order raised by Mr. Dutta.

Rai SURENDRA NARAYAN SINGHA Bahadur: Sir, my submission is that under the Village Self-Government Act, the assessment can be made under sections 37A and 37B, but the assessment made under section 37A will be utilised to meet the salary of the chowkidars, whereas under section 37B the revenue received can be utilised for the purpose of public utility and others. There are Union Boards who only assess under section 37A. So if this amendment is passed, they will have to deduct the amount from the salary of the chowkidars. So this may not be possible.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I now speak on the merits of the amendment, Sir?

Mr. PRESIDENT: No. First of all, I shall have to give my decision whether the amendment is in order. I think the argument that was given by the last speaker, Rai Bahadur Surendra Narayan Singha, is a good reason why the House should not accept such an amendment. But that is no reason why the motion or the amendment should not be in order. When this Bill comes under Schedule 7, List II of the Government of India Act, this House has every right to pass any legislation, but here it is clearly said, as has been pointed out by the Hon'ble Minister, that notwithstanding any other Act in force, the House may enact any legislation in any way. If this enactment stands, then amendments are to be made in the parent legislation, but

this House will be in order in passing such an Act. Of course, the House will have to consider whether it is a nullity or differs from the other Act, but that is to be on merits.

Amendment moved that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) Notwithstanding anything contained in any other law or enactment in force, every Union Board shall annually contribute at least five *percentum* of its annual receipt from union rates to the fund;

(*2*) the Provincial Government and any District Board to the extent of its jurisdiction, may contribute to the fund at any time and any such contribution shall be disbursed by the Committee in accordance with any conditions that may be attached to the contribution."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. This point was very carefully considered by the Select Committee, and the amendment now proposed by the hon'ble member is directly against the principle underlying the Bill. The principle underlying the Bill is that funds for the purpose of the Bill will have to be raised by voluntary contribution and not by a compulsory levy. That is the principle. So this amendment militates against that very important principle.

Then, Sir, the Union Boards as is well known have got mainly two sorts of duties to perform—the duties of watch and ward and the duties of village improvement. They tax the rate-payers under section 37(*a*) of the Bengal Village Self-Government Act for raising funds for the payment of the chowkidars, but the amount raised under that section is earmarked for a special purpose, namely, the payment of the chowkidars. Now, the funds raised under section 37(*b*) may be utilised for village improvement, and if there is any saving under section 37(*b*), then only that money may be diverted for the purpose of this Act. That is my first submission. Now, Sir, speaking from memory, the amount which the Union Boards in Bengal raise for village improvement—that is under section 37(*b*)—comes to about Rs. 25 to Rs. 30 lakhs, and that amount is hardly sufficient even to meet the ordinary requirements of village improvement. So if it is now to be laid down that 5 per cent. of that income must be earmarked for the purpose of this Bill, then the main purpose of the Bengal Village Self-Government Act will be frustrated. Moreover, the various Union Boards were not consulted. So I do not think that the hon'ble member has any justification for springing a surprise upon the 5,000 Union Boards in the province. The District Boards too, who are directly responsible for the supervision of the work done by the Union

Boards with regard to village improvement, were not consulted. Government also were not consulted. So, I venture to submit that it is very unfair that an amendment of this nature should at all be moved. I would, therefore, request the House to reject the amendment on this ground. The funds of the Union Boards are pretty tight, and there is not much room for additional expenditure. On the contrary, I think it is high time that Government and the people of the province should divert their attention rather to the problem of augmenting the resources of the Union Boards. Before doing that, I think we should not try to earmark the comparatively small funds that are available for improvement of the villages. With these words, I oppose the amendment, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. Did the Hon'ble Minister say that the income of the Union Boards derived under section 37(*b*) of the Bengal Village Self-Government Act amounts to about Rs. 25 to Rs. 30 lakhs?

(No answer.)

Rai Sahib INDU BHUSAN SARKER: Sir, I would like to oppose the amendment, and support the argument advanced by the Hon'ble Minister. From my personal experience I can say that under section 37(*a*) generally three-fourths of their income are spent upon watch and ward and also for the payment of establishment charges, under part I, and under part II, section 37(*b*), about one-fourth of their income is realised and out of that collection charge is 10 per cent. and it is also spent on the establishment. So, generally, a Union Board which has got an average income of Rs. 2,500, will have scarcely anything to spend under section 37(*b*) for works of public utility. And from that, if 5 per cent. is deducted, that is, from the total receipts of Rs. 2,500, then the amount available under section 37(*b*) comes to only about Rs. 200, and Rs. 125 goes to this new work. So, it will be a very great hardship on the part of the Union Boards to spend about 35 to 40 per cent. of their total income under section 37(*b*) for this purpose. Moreover, the Union Boards have not been consulted in this matter and they have also other obligatory duties for which they have very little funds at their disposal. Under these circumstances, therefore, I feel that the hon'ble mover should consider whether it will be a practical proposition to pass such an amendment.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: আমাদের খান বাহাদুর হোসেন সাহেব যে বিলটা উপস্থিত কোরেছেন সেটা যেন একটা আকাশ কুসুমের মতন। কেন না কোথা থেকে যে টাকা আসবে কোন একটা প্রভিসন্ নাই। সুধু দানের উপর বিষয়টাকে দাঁড় করান হয়েছে। তিনি একটা poor box এর কথা বোলেছেন. poor box এ কেউ যে কোন দিন স্বেচ্ছায় কিছু দেয় তা আমার জানা নাই।

যদিও বা কেউ কিছু দেয় তারও কোন হিসাব-নিকাশের পাত্তা কোন কালেই পাওয়া যায় না। তার উপর চাঁদা আদায় তাও যদি রাজা জমিদারদের কাছে যাওয়া যায়—তাঁরা লাট-বেলাটের বেলায় মোটা রকমেই দিয়া থাকেন কিন্তু——(interruption) ওদিকে রাজস্ব মন্ত্রীমহাশয়ের গায়ে একটা আচড়ও লাগে নাই, তিনি রাজস্ব তহবিল থেকে কাণা-কড়িও দেন নাই। তিনি যদি——

Mr. PRESIDENT: আপনি যা নিয়ে বক্তৃতা কোরছেন সেটা এর পরে আসবে। এই বিল যখন পাশ হবে তখন আপনি বিরুদ্ধাচরণ কোরবেন, এখন নয়।

Mr. KADER BAKSH: Sir, I oppose the amendment of Mr. Nur Ahmed, on the ground that the incidence of taxation which he has proposed in his amendment will fall on the Union Boards, but the Union Boards have not been consulted as to whether they are in a position or are willing to bear the burden. If my friend had read the evidence given by the Presidents of the Union Boards before the Chowkidari Committee, he would have known that the Union Boards complained that they were suffering from want of funds, and on this account they have not been able to take up any ameliorative measures to better the condition of their Unions. The Union Boards have demanded a portion of the money that they contribute towards the pay of the chowkidars from the provincial revenues. Under these circumstances, the Union Boards which are meant primarily for the betterment of the Unions, for example, education, water-supply, village sanitation, should not be asked to make a contribution of 5 per cent. which is a very high percentage indeed for this purpose. Therefore, I oppose the amendment, Sir, because it is neither just nor is it fair.

Mr. PRESIDENT: The question before the House is that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) Notwithstanding anything contained in any other law or enactment in force, every Union Board shall annually contribute at least five *percentum* of its annual receipt from union rates to the fund;

(*2*) the Provincial Government and any District Board to the extent of its jurisdiction, may contribute to the fund at any time and any such contribution shall be disbursed by the Committee in accordance with any conditions that may be attached to the contribution."

The amendment was lost.

Clauses 13, 14, 15 and 16.

Mr. PRESIDENT: The question is that clauses 13, 14, 15 and 16 stand part of the Bill.

The question was agreed to.

Schedule—Forms I to III and IV.

Mr. PRESIDENT: The question is that the Schedule—Forms I, II, III and IV stand part of the Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that in the schedule attached to the Bill, in Form II, Part I, for the words "over.....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

Sir, the amendment I propose has no other aim than to fill up the gaps in the form which have occurred in this form of Schedule, namely, Form II, Part I.

I also beg to move that in the schedule attached to the Bill, in Form II, Part I, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

I make this amendment because I want all children to be shown and not merely "disabled" children.

I also beg to move that in the schedule attached to the Bill, in Form II, Part II, for the words "Unemployed over.....years of age" in the heading of the form, the words "Unemployed persons" be substituted, and I also beg to move that in the schedule attached to the Bill, in Form II, Part II, for the words "over.....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

This amendment is moved for similar reasons.

Then I again move that in the schedule attached to the Bill, in Form II, Part II, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

Here also, Sir, I intend that all the children may be included and not merely the disabled children.

Now I move my last amendment, namely, that in the schedule attached to the Bill, in Form III, for the word "Receipt" at the top of columns 4, 5 and 6, the word "Recoveries" be substituted. When the loan is paid back it should be noted as "Recovery" and not as a "Receipt".

These are all my amendments, Sir. They are very simple and I hope the House will accept them.

Mr. PRESIDENT: Amendments moved:

That in the schedule attached to the Bill, in Form II, Part I, for the words "over.....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

That in the schedule attached to the Bill, in Form II, Part I, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

That in the schedule attached to the Bill, in Form II, Part II, for the words "Unemployed over.....years of age" in the heading of the form, the words "Unemployed persons" be substituted.

That in the schedule attached to the Bill, in Form II, Part II, for the words "over.....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

That in the schedule attached to the Bill, in Form II, Part II, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

That in the schedule attached to the Bill, in Form III, for the word "Receipt" at the top of columns 4, 5 and 6, the word "Recoveries" be substituted.

Mr. PRESIDENT: If the Hon'ble Minister wants to oppose any particular amendment, he can do so. If necessary, I shall put them separately.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I do not want to oppose any of them.

Mr. PRESIDENT: The question before the House is that in the schedule attached to the Bill, in Form II, Part I, for the words "over .....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

That in the schedule attached to the Bill, in Form II, Part I, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

That in the schedule attached to the Bill, in Form II, Part II, for the words "Unemployed over.....years of age" in the heading of the form, the words "Unemployed persons" be substituted.

That in the schedule attached to the Bill, in Form II, Part II, for the words "over.....years" at the top of columns 4 and 5, and 6 and 7, the words and figure "over 12 years" be substituted.

That in the schedule attached to the Bill, in Form II, Part II, for the words "under.....years" at the top of column 8, the words and figure "under 12 years" be substituted; and the line to the left of column 8 be projected upwards so as to separate column 8 from the sub-heading "Disabled".

That in the schedule attached to the Bill, in Form III, for the word "Receipt" at the top of columns 4, 5 and 6, the word "Recoveries" be substituted.

(The motions were agreed to.)

Mr. PRESIDENT: The question before the House is that the schedule as amended stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that the short title and preamble be added to the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: If there is no objection, then alone can the hon'ble member move that the Bill as amended be passed. I would like to hear the Hon'ble Minister-in-charge whether he has any objection or not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I have no objection.

Khan Bahadur SAIYED MUAZAMUDDIN HOSAIN: Now that all the amendments have been disposed of, I beg to move that the Bill as settled in the Council be passed. In doing so, I have to make a few observations. In the Bill, as originally drafted, there was a provision for Government contribution towards the fund proposed to be created for helping the poor and unemployed, but finally at the suggestion of the Hon'ble Minister in charge of the Revenue Department, the Government had to be absolved from all financial responsibility in this connection. The Bill was referred to a Select Committee with definite instructions that it might be so redrafted so that no financial responsibility might devolve on the Government. Sir, now the redrafted Bill has come before us, and we have considered all the amendments. Some members have already given expression to their misgivings that without provision for substantial funds, the Bill will remain a dead letter or a

mere pious wish. But, Sir, I do not agree with that view at all. To my mind, Sir, the Bill will serve a very good purpose. In the first place, it will give heart to the starving poor and unemployed of Bengal who so long were never thought of by anybody. It was nobody's business to enquire if any of them were starving for any length of period. They will at least have this hope now that there is somebody who will look after them, take care of them and make provisions for them, if possible, and even if they cannot make provision for them, they will at least report to the authorities so that they may come to their rescue.

Next, Sir, it will rouse the public conscience to their duty to the poor, that it is their duty to enquire if any poor man is starving in silence in his house. It is only the beggars who generally come out and beg. But there are those who do not beg and consider it not only beneath their dignity to do so, but they consider it rather a disgrace to beg. It will be of great help to this class of people. Motwali chowkidars will take care of them, enquire of them and wherever they are found to be actually starving for more than 24 hours, they will report the matter to the authorities.

Then, Sir, it will also be a great help to the Government itself. So long Government had no organization for reporting cases of starvation. Government will now get an organization by which the district authorities will be kept informed from time to time of the distress prevailing in the remotest interior of Bengal. The District Magistrate will be in possession of report direct from the village concerned through the Union Board President who will be the *ex-officio* President of the Committee. So, he will be able to deal with the situation more promptly than at present. At present, Sir, it is not unoften that the Government is embarrassed by reports of starvation when it appears in the newspapers and the Government can only enquire into cases when such reports appear in newspapers and not before that.

Then again, Sir, the statistical value of the provisions of this Act will not be also very small, because the Bill has made it mandatory that these statements about the poor and the unemployed will be maintained and revised from time to time by every Union Board so that the Government or any local body, if it wants, will be able to get all statistical information about the poverty-stricken people of Bengal. It is not a very small matter.

Then again, Sir, although there is no financial responsibility cast on the Government, if the Collector of a district gets report that certain persons are dying in certain areas and if local contributions are not forthcoming to give them proper relief, I do not think Government will be able to sit tight on their seats without doing anything for them. The Collector will have to open his purse-strings, will have to

find money anyhow and will have to render help. Ostensibly, it appears that the Government have no financial responsibility. But it cannot be gainsaid that it imposes a great moral responsibility on Government and I believe, Sir, it will not remain a dead letter or a mere pious wish as many of my friends seem to think. Sir, I think though it is a very modest measure, it is really a landmark in the history of legislation in this country regarding the poor and unemployed. It lays the foundation for future Poor Laws in Bengal, and I think it is a very useful legislation which we are going to pass, and I hope the House will pass it without any division.

Mr. PRESIDENT: Motion moved that the Bengal Relief to the Poor and Unemployed Bill, 1937, as settled in the Council be passed.

Mr. PRESIDENT: মৌলবী মহম্মদ ইব্রাহিম, আপনি যা বোলতে চেয়েছিলেন এখন বলুন।

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: আমি যা আগে বোলেছি, প্রভিন্সিয়াল্ রাজস্ব থেকে এক পয়সাও দেবার ব্যবস্থা এ বিলে নাই, সুতরাং টাকা আসবে কোথা থেকে? দান, সে না-চাইলে কেউ দেয় না, চাইলেও অনেক সময় কেউ কেউ দেয় না। সুতরাং নূর আহম্মদ সাহেব যে প্রস্তাব কোরেছেন যে union board যদি তাদের আয়ের শত-করা ৫৲ টাকা দেয় তাহলে একটা fund অন্ততঃ থাকে। অতএব নূর আহম্মদ সাহেবের প্রস্তাবটা কিছু অসঙ্গত হয় নাই। Union board এর সব টাকাই গ্রামবাসীদের টাকা অবশ্য সেখানে অভাব যথেষ্ট আছে, তথাপি আমি বোলতে পারি যে union board এর অনেক টাকা বাজে কাজেও বেরিয়ে যায়। তাই বোলছিলাম যে তারা যদি শতকরা ৫৲ টাকা আয়ের অংশ এই বাবদে দিতো, তাহলে অনেকটা কাজ হতো।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I congratulate the hon'ble mover of this Bill for having successfully piloted a measure of this nature through this House. It is true, indeed, that it is the first of its kind in Bengal. Whether it will really prove very effective for solving the unemployment question in the rural areas or for giving relief to the unemployed, remains to be seen. But, I think, it will give a stimulus to private charities. Although the Khan Bahadur in moving his motion observed that up till now Government had no organization which could report to them about the starving people, I do not think, Sir, that the Government have ever proved apathetic to this problem. Whenever it was necessary, whenever there was any situation that required Government's help or attention, Government, at any rate, the present Government, I can assure you, did their best up till now. During the last floods which affected 15 districts in this province, Government freely opened their purse-strings, distributed

large amounts of gratuitous relief and agricultural loans. So, that shows that the revenues of the provinde are spent and reserved for emergencies, but for giving relief to the unemployed in the villages all the year round, I hope they should depend mainly on private charity. This Bill I hope, if I may repeat, will give stimulus to private charity and generosity.

Mr. PRESIDENT: The question before the House is that the Bill as settled in the Council be passed.

(The motion was agreed to.)

Mr. PRESIDENT: The Bill is passed.

The Bengal Shop Prices Regulation Bill, 1938.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Shop Prices Regulation Bill, 1938, be taken into consideration and passed.

Sir, the Bill which I have the honour to sponsor is a very modest measure. In fact, it may be criticized from two opposite points of view. Some people may think that it does not go far enough, for there is no attempt by the State to control the prices of different commodities which are put into the market. Other people, on the other hand, may suggest that it goes far enough as it is, because it seeks to compel the shopkeepers to display in their shops prices which they intend to charge for any particular commodity. I think, Sir, it will be generally agreed that particularly in a country like ours where very often standards of business efficiency are not very high and also traditions of business honesty have not developed to the extent to which we would like them to be developed, it is very necessary that the State should have some say in the regulation of prices, and this Bill is only a first step in that direction. It wants that each shopkeeper should mark the prices of the articles in his shop and allow the customers an opportunity to purchase things without the unnecessary botheration of having to higgle for it. It may be said that this will not have much power, because the shopkeepers will put up fantastic prices. I do not think there is any likelihood of that, because if the prices are displayed in the shops, the competition between different shopkeepers will force them to display the prices which are very near to the fair prices in the market, because it is a fair price and when once it is displayed, there will be no room for higgling and bargaining on the part of the shopkeepers and certainly not also on the part of the customers.

Another objection that may be raised is, that it will involve the Government in heavy financial responsibilities in appointing inspectors to control these prices. I have already tried to meet that argument in

anticipation. For, this seems to be obvious that if all the shops have to display their prices, then in that case, their competition will ensure that fair prices are exhibited, and here the Government have a check upon the individual shopkeepers. Therefore, the burden upon the Government should not be cumbersome. I do not propose to take much time of the House at this stage. I move that the Bill be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Shop Prices Regulation Bill, 1938, be taken into consideration.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, much as I would like to be invested with plenary powers to regulate trade, industry and commerce, to regulate honesty and dishonesty, to conserve nervous energy and to save time, I must confess that I am a little bit appalled at the powers which are attempted to be invested in Government by virtue of this Bill.

I think, Sir, that if this Bill were passed, we should then be taking a very forward step towards becoming an authoritarian State, and perhaps the State, if it did not like a particular shopkeeper, might, at any time, haul him up before a Magistrate in order to wreak vengeance upon him. I do not like to haggle myself, and I would much rather prefer if the shopkeeper were to state his price honestly at the rock-bottom price which he is prepared to take for his article, but there are other persons who enjoy the art of beating down the shopkeepers and I do not see any reason why we should interfere with their happiness and enjoyment. There are also many shopkeepers who, if asked with regard to their own predilections, would like to have a little chat with their customers on the prices in general, and they would not appreciate this interference with their liberty. I also feel that there are many shopkeepers who would be put to very great inconvenience and expense if this Bill were passed. There are many shopkeepers also, who are presumably too illiterate to be able to mark the prices of their commodities, or even to put up a list, as contemplated under section 5, of perishable goods such as fish, potatoes, milk and cream. Now, there is a very curious clause in the Bill that no shopkeeper shall sell or have for sale certain articles which vary in price at different times. I will not refer to those shops where public buyers are charged varying prices at varying times. But how would it be possible for any one to control the price and keep a check over this? In that case we must have an army of shop inspectors. But neither our funds would allow us to have it nor do I think it would be desirable to have an army of shop inspectors let loose on shops, whose attention towards shopkeepers would ultimately result only in a fine of 1/20th of the price marked! For instance, if a person were to mark the price of an article

at annas five and was to sell it at annas five and two pies, and if he was caught by the shop inspector and hauled up before a Magistrate, the Magistrate, after having drawn up proceedings against him, having framed a charge against him under this Act, and giving him time for cross-examination, to lead defence evidence and appoint eminent counsel or advocates, would ultimately fine the offender only one anna. That, Sir, would be the utmost penalty which he would be called upon to pay. I agree, Sir, that Mr. Humayun Kabir has produced a Bill which directs the attention of the public towards an evil which exists, but which I think, with increasing mercantile education, will disappear in due course. I personally think that our trade and business standard have not yet prepared us for a regulation of this nature. Moreover, a Bill of this type which affects so many different people, and affects such interests cannot possibly be taken into consideration by a responsible Legislature without ascertaining the views of the interests affected. I consequently move that the Bill be circulated for the purpose of eliciting opinion thereon—if Mr. President, you will permit me to alter the original date of my amendment in order to make this a more practicable proposition, that is to say, if you would please allow me to change the date to 30th June, 1939, instead of the 31st October, 1939, as at present. Will you please permit me to make this amendment?

Mr. PRESIDENT: If it is merely verbal.

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, it is not so very verbal.

Mr. PRESIDENT: Then you cannot amend your own amendment. Somebody else will have to do that.

Mr. HAMIDUL HUQ CHOWDHURY: I am quite prepared to move an amendment on those lines, namely, that, for the 31st October, the 30th June be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Then I simply move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1939.

Mr. PRESIDENT: Amendment moved that the Bill be circulated for eliciting opinion thereon by the 31st October, 1939.

Mr. HAMIDUL HUQ CHOWDHURY: I beg to move formally that in place of the words "31st October, 1939" in the amendment moved by the Hon'ble Mr. H. S. Suhrawardy, the words and figures "30th June, 1939" be substituted.

Mr. PRESIDENT: Further amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Sir EDWARD BENTHAL: Sir, when I first saw the Bill which the mover has moved, I thought that it was an excellent idea as it had an object which I would like to see achieved, but, unfortunately the Bill which he has produced is, to my regret, both impracticable and unenforceable. As the Hon'ble Minister has pointed out, it would require an army of Inspectors to enforce it, and there will have to be a special department of the Government to enforce it and perhaps enforce it by methods which are adopted by the Totalitarian States. Furthermore, there are several defects in the Bill and I may mention only a few of them here. The Bill does not allow for any general fluctuation in the prices of the same articles during the course of the day. Everybody knows, Sir, that the prices of one and the same article do fluctuate in the course of the day, and it seems to me that situation do arise in which the price of an article down in the morning is not the same in the later course of the day, and we cannot dispute such occurrences. Then again, the clause dealing with public bargaining seems to me to be also impracticable, and prohibiting of public bargaining is an unwarranted interference with an individual's liberty of action. After all, it is quite legitimate that we should have different prices for different quantities in respect of the same article and different prices for different deliveries. Furthermore, it is laid down in one of the clauses that the prices should be marked on the articles in a language which can be understood by all purchasers. Sir, it is very difficult indeed to have to mark prices on an article for different quantities and for different deliveries, and all these, too, in a language that can be understood by all customers! All these seem to be not a practicable proposition. The same is the case with the suggestion that Inspectors should have the right of entering a shop and inspecting it to see if the provisions of the Act are being complied with, That, too, seems to be an unwarrantable interference with a shopkeeper's business. We have enough trouble already now-a-days without having shop inspectors! Taking all these into consideration, I feel strongly inclined to oppose the Bill.

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

The question was agreed to.

The Indian Bar Council (Amendment) Bill, 1937.

Mr. HAMIDUL HUQ CHOWDHURY: I beg to move that the Indian Bar Council (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial and Legislative Departments,

(2) Rai Manmatha Nath Bose Bahadur,

(3) Mr. Lalit Chandra Das,

(4) Khan Bahadur Naziruddin Ahmed,

(5) Mr. Nur Ahmed,

(6) Mr. Kamini Kumar Dutta,

(7) Mr. Bankim Chandra Datta,

(8) Mr. Kader Baksh,

(9) Mr. Humayun Kabir,

(10) Mr. E. C. Ormond,

(11) Mr. Shrish Chandra Chakraverty,

(12) Rai Sahib Jatindra Mohan Sen,

(13) Khan Bahadur M. Abdul Karim, and

(14) the mover,

with instructions to submit their report by the 15th May, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

I do not propose to make a speech on the motion as the time is very short.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I beg to move that the Bill be circulated for eliciting opinion by the 15th of June, 1939.

Sir, the Bill is a very short one, but although it seems to be a short one, it is of a complicated nature.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I am prepared to accept the amendment on condition that no speech is delivered, so that without loss of any time further business can be taken up.

Mr. PRESIDENT: It will be for the House as a whole to accept the amendment or not to accept it. It is not for any particular member to accept a motion.

Mr. HAMIDUL HUQ CHOWDHURY: I speak, Sir, on behalf of the House!

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, it appears that my friend does not want to have a speech from me. I do not think any speech is necessary in a case like this, and all that I want to say is that we have not yet received any opinion from the Hon'ble High Court and other people who are really interested in this matter. Till the Government get the opinion of the High Court and other people interested in the matter, it is not possible for us to advise the House whether the House should accept the amendment proposed or whether it should reject it. Under these circumstances, I have no other alternative but to move that opinion should be collected on this matter and therefore the Bill should be circulated for this purpose. I hope there will be no objection on the part of the members to do so.

Mr. PRESIDENT: Amendment moved, that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1939.

The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1939.

The amendment was agreed to.

Adjournment.

The Council then adjourned till 2-15 p.m on Tuesday, the 21st February, 1939.

Members absent:

The following members were absent from the meeting held on Monday, the 20th February, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. D. J. Cohen
(4) Khan Bahadur S. Fazal Ellahi.
(5) Mr. R. W. N. Ferguson.
(6) Nawabzada Kamruddin Haider
(7) Mr. Mohamed Hossain.
(8) Mr. J. McFarlane.
(9) Begum Hamida Momin.
(10) Mr. E. C. Ormond.
(11) Mr. H. P. Poddar.
(12) Rai Sahib Jatindra Mohan Sen.
(13) Mr. D. H. Wilmer.

B. G. Press—1938-39—12940A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 21st February, 1939, at 2-15 p.m., being the eighth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Creation of one post of Inspecting Officer.

61. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that one post of Inspecting Officer has recently been created?

(*b*) Is it a fact that the cause for which the present Inspector-General of Registration, Bengal, has been made to retire is the creation of the post of the Second Inspecting Officer of the Registration Department?

(*c*) Is it a fact that he is too liberal in creating posts?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister kindly state why extra expenses are being incurred by the department in creating new posts before redressing the grievances of the subordinate employees of the Registration Department?

(*e*) Is it a fact that some Sub-Registrars have recently been made Sub-Deputy Collectors?

(*f*) If the answer to (*e*) be in the affirmative, do the Government propose to take immediate steps for the redress of the grievances of the four thousand subordinate employees of the Registration Department?

(*g*) Will the Hon'ble Minister kindly lay on the table the names of officers in the offices of the District Sub-Registrars of Alipore (24-Parganas), Howrah, Midnapore, Jessore, Dacca and Birbhum with their pay and educational qualifications shown against each with a remark against each about his dealings towards his subordinate employees?

(*h*) Has the Hon'ble Minister received any deputation or memorial from the subordinate employees of the Registration Department?

(*i*) If the answer to (*h*) be in the affirmative, does the Hon'ble Minister contemplate to cause an enquiry made with a view to ameliorate their conditions?

(*j*) Is it a fact that Sub-Registrars used to be recruited from amongst the departmental qualified subordinate employees about ten years back?

(*k*) If the answer to (*j*) be in the affirmative, why was that system abrogated? Do Government propose to reintroduce the system immediately?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*e*) Yes.

(*b*) It is a malicious perversion of facts to insinuate that the late Inspector-General of Registration was at all made to retire or that the cause for which he was made to retire was the creation of the post of Second Inspector. As a matter of fact, the late Inspector-General of Registration was anxious to resign for nearly a year before his actual retirement and join the *Viswa Bharati* University at Santiniketan to undertake social service and especially adult education work. I tried to persuade him to wait till his normal term was over, but failed. I then put him off on some pretext or other, hoping that with the lapse of time he might change his mind. But he would not change. I therefore reluctantly accepted his resignation more than ten months after he had put in his application for retirement. Far from causing him to retire, I did my best to keep him on in his post, and I wonder where the hon'ble member has got such gross perversion of actual facts. Nor is it correct that the Inspector-General of Registration retired because of the appointment. On the contrary the Inspector appointed was his nominee.

There were four Inspectors of Registration Offices. The number of the officers is at present 389. Also there are as many as 417 Marriage Registration Offices. The appointment of an additional Inspector was administratively approved before the present Ministry came into office as it was found that the work of superintendence and inspection, so necessary for efficient administration, was too heavy for one officer.

(*c*) and (*j*) No.

(*d*) and (*k*) Do not arise.

(*f*) The subordinate employees under the Registration Department number 1,500 including menials. The service continues to be as popular as it has all along been. Particular grievances of the employees will certainly be attended to carefully by the department.

(*g*) A statement is placed on the table. No unfavourable report has been received by me about the dealings of any of these officers with their subordinate staff.

(*h*) Yes. Some officers of the department of the Bogra district saw me while I was on tour in that district and representations were received from four other districts.

(*i*) The matter is under consideration.

Statement referred to in the answer to clause (g) of question No. 61.

Serial No.	Station.	Name of officer.	Pay and special pay.	Educational qualifications.
			Rs.	
1	Alipore (24-Parganas).	Babu Shital Chandra Banerji.	250+100	Read up to Matriculation standard.
2	Howrah ..	Maulvi Fazlul Karim	250+95	Read up to I.A. (Alighar).
3	Midnapore ..	Babu Bijoy Chandra Dhar.	250+90	Read up to F.A.
4	Jessore ...	Babu Amulya Kumar Gupta.	250+90	Plucked B.A.
5	Dacca ..	Maulvi Nural Huq	188+95	B.A.
6	Birbhum ..	Babu Satyendra Nath Mitra.	250+90	Read up to F.A.

Imposition of Education Cess.

62. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government is aware that there is a very strong public opinion against the imposition of education cess upon the peasantry of Bengal and upon all classes of landholders?

(*b*) Does the Government propose to revise the policy in respect of this imposition of tax for primary education?

(*c*) What policy does the Government propose to initiate for imparting free primary education?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) I am aware that there is opposition in some quarters to the imposition of education cess.

(*b*) and (*c*) The question is under my consideration.

Jiaganj town.

63. Mr. RANAJIT PAL CHOUDHURI (on behalf of Rai Surendra Narayan Singha Bahadur): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government have received a representation from the people of Jiaganj and its neighbouring places in the district of Murshidabad, praying for help from the Government for protection work so that the town may be saved from erosion of the river Bhagirathi?

(*b*) If the answer to part (*a*) be in the affirmative, do the Government propose to hold an enquiry and take all necessary steps towards the preparation of a scheme and an estimate for the purpose of preventing further damage to the town by such erosions in future?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) An inquiry has already been held and the results will be communicated to the Municipality for consideration and such action as they think necessary.

Mr. RANAJIT PAL CHOUDHURI: Is the result of the enquiry expected to entail any financial burden on the Municipality?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, this is a matter for the Municipality or the District Board to take up, and I do not think it is possible at this stage to say if any portion of the expenditure which will be incurred will be borne by Government.

Mr. RANAJIT PAL CHOUDHURI: If any financial burden is entailed, will the Municipality be in a position to face that financial difficulty?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, that is a matter for the Municipality to decide

GENERAL DISCUSSION ON THE BUDGET.

Mr. PRESIDENT: The House will now take up general discussion of the Budget.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to offer a few observations and criticisms on the Budget that has been so eloquently explained by the Hon'ble Finance Minister. But I am sorry to say that all his eloquence had only made me more pessimistic about the future of the province. The Budget that has been presented is more like the Budget of an accountant than that of a statesman. An accountant will somehow make both ends meet. He will beg, borrow or steal to produce a balanced Budget. He does not look to the scheme or policy to which the Budget is to give expression. He is immersed in the static needs of the present and does not look to the dynamic aspect of the situation, the prospects of the future, its hopes and aspirations and its many problems. The statesman looks beyond what is to what ought to be. I have no quarrel, Sir, with the Finance Minister. The Constitution does not give him much scope for showing powers of statesmanship or constructive ability to which he has given such signal proofs in spheres where he had a free hand in the shaping of things. Here, however, he is the slave of a system and only utters his master's voice, the voice of the Council of Ministers who are themselves confined within the limitations, the rigid framework of, I should say, the rigid steel frame of a constitution which makes provincial autonomy a mere show. Where is democracy in a constitution which reserves to the Governor the power to make any law that he likes and to obtain any funds that he may need without reference to the legislature, if that is his sweet will. Such a democracy is not a legal democracy, but a democracy of courtesy. Therefore, such a constitution the Congress is out to wreck and if the Congress appears to work this wretched constitution in certain provinces, it is because it has obtained assurances that its programme will not be interferred with. The Bengal Council of Ministers is now merrily reaping the harvest where it had not sown, and at the same time they are missing great opportunities for achieving a radical reconstruction of the conditions of the people. The Ministers must be judged not by their words, but by their actual deeds. A government must stand by the Budget which reveals its true character. The Bengal Government's Budget shows that it has not undergone any change in its outlook as a consequence of the Government of India Act of 1935. Its Budget is still the child of the old order which has not yet yielded place to the new, the product of the same irresponsible system which is so irresponsive to the needs of the people. What future, Sir, can there be for a country on the basis of a 3 per cent. literacy and a

daily income of 3 annas per head? What future can there be for Bengal when her basic key industries and agriculture on which depend nearly two-thirds of her population are still being run on primitive and out-of-date lines? It is impossible to build up a province on the basis of mass illiteracy and an insolvent peasantry. I am inclined to exclaim in the words of the good old poet:

"Ill fares the land to hastening ills a prey
Where wealth accumulates and men decay."

How does the Budget propose to tackle these problems affecting the very roots of national progress? Instead of any bold and comprehensive national planning, it goes in for piecemeal reforms and deals lavishly in doles which are sometimes marked even by communal flavour. The Government is too busy at the top to attend to the foundations of social and economic structure. They are taken up too much with re-shufflings of the Cabinet and additions to the overhead charges of administration. There is hardly any precedent for a party in power abusing and stablising its own position in the Legislature at the cost of public revenue, creating Minister after Minister as they please. The Ministers are mercilessly betrayed by their Budget, their own handiwork. The Ministry may claim to be popular and democratic, but that claim cannot be justified by what they are doing in the Budget which hopelessly starves the nation-building departments. What can be thought of a Government which has to spend 21 per cent. of its Revenue on its Establishment and another 20 per cent. on Law and Order, on Police and Jails? The running of the administrative machinery in Bengal thus appropriates over 41 per cent. of the total revenues of the province. I think there are many pioneers of industrial enterprises, Sir, in this Council who will readily agree that there is no future for any business which shows such a large percentage as the cost of management. What is more surprising in this connection, Sir, is the fact that out of this huge establishment cost of a top-heavy administration, about a crore of rupees are appropriated to maintain the steel frame of British administration within the rigid framework of which provincial autonomy is to function as best as it may, and here I think that I should offer my congratulation to the Hon'ble Finance Minister for giving to us for the first time the actual figure of about a crore of rupees that is required to maintain this British element in the services or rather those convenanted services over which the Legislature has no control. I also should pay my tribute of respect for the other figures that he has adduced with reference to the possibility of retrenchment in the services, and I think so far as I am concerned, his argument is irresistible, and I think his arguments also will have far-reaching consequences on the Budget of other provinces. But, as I have said, I am quarreling with

the system and not with the particular Budget or its details as have been presented. Therefore with this heavy establishment cost, the needs of the nation-building departments must, as a matter of course, be left to shift for themselves. That explains why Agriculture is alloted only one per cent. of the provincial revenue, live-stock and the problems relating to livestock, on which the present Viceroy is so very keen, is thought of to deserve only ·3 per cent. of the total revenue. The important interests of industries are thought worthy of only ·9 per cent. of the total revenue.

The medical welfare of the people is thought good enough for 4·2 per cent., while Public Health is dismissed with an allotment of only 3·4 per cent., and this, Sir, in a province which shows the lowest standard of national health and physique. Of course, ultimately every country has to build on the basis of the standard of its national physique. If you study the figures of recruitment for the Army for different countries, you will find that even England is very much alarmed and there it is a fact that only 52 per cent. of the English youths have sound enough physique for recruitment to the Army. In the whole scheme of the Budget, only Education fares a little better, with an allotment of 11·4 per cent.—thanks to the overpowering personality of the Hon'ble the Chief Minister. But may I respectfully remind him that even Education in Bengal is miserably provided for as compared with other provinces, and that in a province where the public have made the greatest sacrifice for education. Of the total expenditure incurred by both the Government and the public together on secondary education alone, Government pays only 16 per cent. while 84 per cent. come from the resources of private philanthropy. In this connection, I have also to draw the attention of the Education Minister to another point—

Mr. SHRISH CHANDRA CHAKRAVERTY: But the Education Minister is not present in the House.

Dr. RADHA KUMUD MOOKERJI: But he has worthy representatives here, who will no doubt take notes of our points. The Education Budget provides Rs. 12 lakhs for the mere inspection of the work of the schools, 50 lakhs for running Government schools and only 13 lakhs for grants-in-aid to as many as 1,200 private high schools. As President of this year's All-Bengal Teachers' Conference, I implore the Education Minister to give his best consideration to the crying needs of these 1,200 private high schools through which the education has spread all over the province. And, therefore, they are entitled to a far better consideration than has been shown in his Budget. Now, Sir, while Bombay, the United Provinces and Madras spend roughly about 1,75,00,000 rupees each on education, and while less than half that amount is contributed by the public of each of these provinces in

payment of fees and the like, it is the public of Bengal alone that claim the distinction of spending more on education than its Government does. Sir, it is a compliment to the public spirit of the Bengalees that they do so much for education, but it is hardly flattering to a Government that can take advantage of this public spirit and themselves do nothing. The fact of the matter is that whereas Bengal spends roughly about 1 crore and 35 lakhs on Secondary education, the public of Bengal put themselves to the expense of about 1 crore 60 lakhs in the shape of payment of fees and other donations, in a province like Bombay the public pay only one-third of what is required for their educational budget. But the real reason why the Nation-Building Departments are so much starved in Bengal is that Bengal has been deprived of her fair share of revenue by the Centre. The previous Government strenuously fought on this subject by drawing the attention of the Government of India to the following three points which they themselves described as follows: and I am quoting from a Government document—(1) inequitable distribution of revenue between the Centre and the Provinces—(2) Inadequacy of revenues assigned to Bengal, and (3) the crippling effect of this inadequate revenue on the progress of the province. These are the three points about the financial situation in Bengal for which the last Government fought very hard with the Government of India. Therefore, it is totally misleading for the Finance Minister to describe the financial situation of Bengal in terms of the revenues raised per head of population among the different provinces which, as the Finance Minister told us, is 6·7 in Bombay, 4·9 in the Punjab, and 3·4 in Madras and the least, as he says, is in Bengal where it is only 2·6. Therefore, on the basis of this strange assumption he feels justified in raising the level of per capita revenue raised in Bengal by not only maintaining the old taxation, but also imposing some new taxation. He omits to consider a more fundamental factor of the financial situation, namely, the revenue which each province gets per head of population from the Centre or by virtue of Federal assignments. Why is it that Bengal is showing the lowest revenue per head? The simple reason is that Bengal has not been given more revenue per head. The previous Government had already shown that while Bengal with a population of about 47 millions—now increased to 50 millions—thanks to the population increase in every decade—to which the different communities are contributing in different degrees,—the previous Government have shown that Bengal with her the then population of 47 millions was given a revenue of about 11 crores, while, Bombay—with a population of only 19 millions, was assigned a revenue of over 15 crores. On this standard of Bombay, Bengal's residual revenue to-day should have been over 30 crores of rupees. You will say where all this additional revenue will come from. For this additional revenue Bengal need not go about begging or borrowing. Bengal gets only one-third of the revenue secured by Bombay from the Centre and therefore her revenue is hardly

adequate to cater for the needs of her vast and expanding population. And you will have to remember that the gross receipts of Bengal exceed 38 crores and the Central deductions amount to 26 crores; that is why Bengal was given short shrift in those days of financial bargaining when Bengal's cause went by default. As a consequence, what the previous Government complained of is the initial inadequacy of Bengal's revenues. While the Bombay Government spends on a Bombay man Rs. 8 per annum, the Punjab Rs. 5-8, and Madras Rs. 4, the Bengal Government spends only Rs. 2-8 on a Bengalee. While the Bengalee gets the least out of Government, the Government gets the most out of him. This is a fact which the Finance Minister ought to have stated in the proper context. Has the Finance Minister considered that he belongs to a most heavily taxed people in India, taxation per head being Rs. 7-8 in Bengal, as against Rs. 3-8 in the United Provinces and Rs. 1-12 in Bihar? These figures and statistics were worked out for the benefit of the Simon Commission and the previous Government have consistently carried on a very manly fight to secure for Bengal her just financial dues. The consequences of this inadequate revenue are being felt over the entire field of administration in Bengal and for this we cannot blame the Council of Ministers for their not being able to produce a budget for nation-building. The expenditure on the Transferred Departments in the previous regime amounted to Rs. 3 per head in Bombay, Rs. 2-12 in the Punjab and to only about 14 annas per head in Bengal. Let me also remind the Hon'ble Education Minister that while Bombay is spending Rs. 1-2 per head on education and Madras 11 annas per head, Bengal can spend only annas 4 per head. What would four annas per head do for the educational advancement of the province?

As a further consequence of her initial inadequate revenue following the infamous Meston Award, Bengal during a period of 12 years from 1921 was called upon to make good a total deficit of about Rs. 10 crores by taxing her impoverished population so as to balance her budget, while other provinces showed prosperity Budgets chiefly at the expense of Bengal because Bengal had to lose to the Centre the bulk of her revenue—about 27 crores out of her gross revenue of Rs. 38 crores. Bengal has therefore been rendered the poorest of the provinces in India by the arbitrary and artificial manipulations of Federal finance. Federation is Bengal's worst foe and must be resisted by her to the utmost. This is the tale of Bengal's woes which I present to the august Council of Ministers against their Budget which touches only the fringe of her desperate problems. To add to this, Bengal has been robbed of her due share not merely of revenue but even of territory. She has lost to the neighbouring provinces valuable areas where the Bengalees exiled from their native province find themselves as oppressed minorities and who will suffer the most from this hopeless financial position? It is the communities that are comparatively depressed and

backward. It is our Moslem brethren who will suffer most for want of adequate revenue to speed up their progress, economic and cultural. The Hindus, though they are in a minority there, count already about 64 per cent. of the total literate population—more than 80 per cent. of the total school-going population while, as regards the independent professions, commerce and industry, they make up 87 per cent. in the legal, 80 per cent. in the medical, and 83 per cent. in banking, insurance and exchange business. As it is, therefore, it is these backward communities that stand to suffer most. The Government can hardly find funds for mass education, agricultural improvements, industrial developments, or any large social schemes. And here also I cannot but pay a compliment to the statesmanlike manner in which the Finance Minister has referred to the problems of primary education. He has told the House quite a lot to clear away cheap misconceptions and tendency towards speculation. He has given us this outstanding fact, namely, that to educate 12 lakhs of our school-going population, you require an expenditure of 4½ crores of rupees per annum. Now I do not see whether there is any future for the province even with reference to this primary programme of mass literacy and I cannot but feel tempted to refer in this connection to what one of the big five powers of the world, the great Asiatic power of Japan, has been doing and has already accomplished. As you know, Sir, Japan is the only country in the world that can boast of a singular achievement of ensuring that 99·5 per cent. of her school-going population actually attend the schools. Now, if we calculate on the basis of the data furnished by the Hon'ble Finance Minister, we find that even out of 50 lakhs of school-going population for an educational course of three or four years, to educate even 12 lakhs, you require 4½ crores of rupees. The Finance Minister perhaps will say that he does not find any concrete suggestions from my criticisms. But I have already stated that I have no quarrel with the detailed appropriations of his Budget, but only with the plans and policy, the general scheme of things which it seeks to fulfil. No country in the world can now-a-days rest content with what it is. The leading countries of the world are now giving themselves to a complete overhaul of their social and economic apparatus. They are straining to the utmost their national resources and mobilising their entire man—power for the purposes of reconstruction and rearmament. The present is an age of bold schemes and not tinkering remedies and timid measures of piecemeal reforms. A part of the scheme of world-wide rearmament concerns the universities as the creative centres of nations. The studies of Western universities have now been completely revolutionized so as to equip them for coping with the stupendous problems of the hour arising out of the universal menace of war. Recently, after the great war a Royal Commisison under the late Lord Oxford and Asquith reported on this important subject of educational reconstruction and rearmament and suggested the promotion of certain new studies in

England. Among these are mentioned subjects like Ballistics, Aerial flight, Aerial photography, Bombing, Structure of the Atmosphere, Sound-Ranging, Wireless and methods for detecting submarines, methods of gas warfare, offensive and defensive, and the treatment of gassed patients, manufacture of poisonous gases, of explosives and drugs, inoculation and preventive medicines and so forth. And you will be surprised to learn that both the universities of Oxford and Cambridge have been reconditioned and re-equipped in order specially to promote the study of these very vital subjects bound up with the fundamental needs of the nation. I commend these subjects to the attention of the Hon'ble Ministers concerned in view of the menace of the political situation that confronts India and Bengal in particular which has already come within striking distance of hostile aircraft.

Is India or Bengal to lag behind in this universal race for national reconstruction and rearmament? The foundation of this reconstruction and rearmament are to be laid in educational and economic schemes. The study and teaching of science must be at once reoriented to the new needs of the times. It is time that the Presidency College should give up its mediæval methods and schemes of scientific study in favour of the modern schemes which are being vigorously pursued with their local, regional or national variations at the universities of Italy and Germany, of France and England, and of the United States of America and Japan. Centres of education must be re-equipped in relation to the vital needs of the nation in the difficult times ahead. Preparation for war is now admitted to be the only means of securing peace. India is intimately affected by this rapidly deteriorating world situation. With her innate and historical traditions of *Ahimsa* or non-violence and spirituality, she herself may easily be the victim of aggressive and ruthless violence such as Japan has been inflicting upon the passive and peace-loving China. Bengal's man-power must be completely mobilised on the basis of a prosperous peasantry producing not merely their own food but also the food of the nation. The peasant's prosperity again depends not merely on the cultivation of food and commercial crops like paddy, jute, tea or sugarcane, but also upon his pursuit of supplementary handicrafts and cottage industries to keep him profitably employed during the many months of the year when he is out of work. The hydrographic resources of the province must be controlled and exploited for his benefit instead of being allowed to run to waste and create widespread devastation by drought and flood affecting different parts of Bengal. On this very vital subject affecting the irrigation of the province, this Council unanimously passed resolution but instead of any Irrigation Commission, we get in abundance other kinds of commissions. The peasant must also be saved from his chronic bankruptcy due to abnormal fall of agricultural prices and this can only be done by the

State—marketing of agricultural produce and assuring to the peasant a fair price of the fruits of his labour. The case for fair price in agriculture is as good as the case for fair wages in industry. It is on these and such other large welfare schemes that the future of Bengal depends. Bengal's Budget must be overhauled and revolutionized both in plan and details on the lines of rearmament and reconstruction budgets upon which each of the big five POWERS of the world is taxing its brains to the utmost.

Now, apart from these general principles which are replies to the general words of advice and homilies contained in the speech of the Hon'ble Finance Minister, I shall now conclude by reference to a few details.

Mr. PRESIDENT. Order, order. The hon'ble member has already spoken for more than half an hour. He should try to conclude his remarks very soon.

Dr. RADHA KUMUD MOOKERJI: Sir, you gave me to understand that I shall have a little more time. I shall take only five minutes more.

Sir, first of all I find that the upshot of the Hon'ble Finance Minister's Budget scheme is that he is financing certain doles amounting to about 80 lakhs by means of both loan and tax. That is what it amounts to and as regards loan, he defends it on the ground that the loan is meant to finance certain productive activities, specially agricultural loans. But I do not know how far even such an emergency could not be met out of revenue and not out of a loan the period and exact terms of which we do not know yet.

And then there is the question of another taxation being threatened, and I do hope he will be induced to withdraw his measure of taxation which is somewhat galling to the sense of fair-play and justification. I should compare such a tax with the inglorious poll-tax of which we have read in history. It is a tax per head; it is not a graduated system of taxation for very obvious reasons, but I do think that both the scheme of this new taxation and the need for it are not quite amply justified, especially when he says that he needs only an extra revenue of about 12 lakhs of rupees. I know that the Finance Minister is not presiding over a standing committee of the State and probably the demands of other departments are being forced upon him and he has somehow to make a compromise. Now he has told us about these measures of reform that committees have been set up and are working. But we know whenever commissions and committees are set up, they are meant only to shelve the point at issue.

The Hon'ble Mr. NALINI RANJAN SARKER: Why do you become a party to it?

Dr. RADHA KUMUD MOOKERJI: Sir, we asked first of all for an irrigation commission. We asked for bread and the Government have given us a stone. A commission has been set up only to consider the proprietory rights of different classes, whereas an irrigation commission was meant for the good of the whole province. And even when the committee is to report about primary education and industrial development, where is the money to come from? On his own showing the case of primary education is hopeless because 4½ crores of rupees——

The Hon'ble Mr. NALINI RANJAN SARKER: You will see where the money comes from.

Dr. RADHA KUMUD MOOKERJI: I do not think, unless you fight Federation, there is any possibility of finding additional money because the basic factor of the financial situation is that out of 38 crores of our own receipts, we have simply to lose 26 crores of rupees. Now about the doles. I find from the Budget,—I hope I shall not be misunderstood into introducing any kind of communal flavour in what I am going to say,—but I find certain amounts have been ear-marked for scholarships and for other special educational purposes. There I find the magnificent phrase "and others 5 per cent.", 50 per cent. for certain community, 20 per cent. for another community and so on; but the huge figure of 5 per cent. is meant for all others. I do not know the meaning of the expression "all others", but I know this that these all others have been responsible for the cultural advancement of the province and I think that I can look to the Education Minister with his accustomed generosity of heart and freedom from any kind of sectarian considerations, for a fair and ethical adjustment as between the claims of the deserving and the backward communities. The progress of any particular community must not be penalised on account of the progress that they have made. I have now finished, and I do not find myself competent to discuss the appropriations and the details of the Budget.

The Hon'ble Mr. NALINI RANJAN SARKER: Because you are not an accountant.

Dr. RADHA KUMUD MOOKERJI: Yes, quite so. Well, I think that the Government has already taken the wind out of our sails by withdrawing the Jute Ordinance. I am thankful for these small mercies. About these doles, I implore him to consider that with his

financial genius he would still be able to find funds. These are non-recurring grants. These non-recurring grants you seek to finance by something which will mean a recurring burden to the tax-payers and you will make really the posterity pay for the temporary advantages which will be exploited by the present generation, and so, on principle I question——

The Hon'ble Mr. NALINI RANJAN SARKER: Still you oppose a loan.

Dr. RADHA KUMUD MOOKERJI: Yes, because the present loan is for such a small purpose. I can justify a much larger loan if you are really embarking upon a large scheme of irrigation affecting the vital interests of the whole province——

The Hon'ble Mr. NALINI RANJAN SARKER: What about the agricultural debts? Can't they be met out of a loan?

Dr. RADHA KUMUD MOOKERJI: They must come out of your revenue, because you are not writing off the arrears.

Mr. PRESIDENT: Order, order. The hon'ble member must now conclude.

Dr. RADHA KUMUD MOOKERJI: All right, Sir, I bow to your ruling.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, my friend Dr. Mookerjee has criticised the Budget from an idealistic point of view, but I propose to criticise it from a practical point of view. At the very outset, the statement which accompanies the Budget, as well as the speech of the Hon'ble Finance Minister in this House, show a very great solicitude on his part for mass ameliorative measures and we are fully at one with him in this respect. But, Sir, although in his statement he has spoken of mass ameliorative measures, a start to which has been given and which if pursued will give the masses greater and greater relief, I am surprised to find that there is no indication of any actual schemes which are likely to bring more comfort to the masses of Bengal. On a closer scrutiny of the Budget figures also, I could not find that there was any mass ameliorative measure of any importance which was going to be financed in the year before us, according to the Budget as proposed. The Budget seems to follow the same dole-distributing policy as was followed last year, but it does not reveal any definite scheme of mass ameliorative measure. Furthermore, in spite of his solicitude for the masses, we do not come across any comprehensive scheme. On a careful scrutiny, I

find that in the departments which vitally affect the masses, the budgetary provisions have been very niggardly. For example, in the matter of primary education I find that the total expenditure under the head "Education" is more than that of the last year by near about 12 lakhs of rupees, but the primary education branch has been given only an increase of about Rs. 50 thousand. Sir, are we to follow the same top-heavy policy in the matter of financing education? Mass education is the crying need of the country and to treat primary education in such a step-fatherly fashion is certainly not what was expected of the Finance Minister. Of course, we know that our finances are limited and that is why the Finance Minister has said that free primary education cannot be introduced on a province-wide scale unless help comes from the Central Government. But within our means we could at least show that we have real sympathy for the masses and for mass education by alloting at least a substantial amount for primary education out of the increased allotment for education.

Then comes agriculture. Agriculture is the primary need of the province on which 80 per cent. of Bengal's population depends. We know that the total agricultural population of the province is 35 millions, whereas the cultivated area of land is only 25 million acres. 25 million acres can at best support only 25 million men and not more, so we have got to provide for 10 million more men. This we can expect to do either by increasing the yield or by reclaiming the uncultivated areas of which the proportion is still as much as 20 per cent., in spite of the pressure of the population on land. In spite of the crying need of the agriculturists, one-third of them do not get sufficient food to eat and scanty consideration has been shown to the Agriculture Department while alloting sums for the improvement of agriculture. I find that only Rs. 40 thousand above the figure of last year's expenditure is proposed to be given as an additional amount to the Agriculture Department, which, however, is absolutely insufficient. Could not the Government at least curtail their expenditure under the head "Police" for which an additional amount of Rs. 7 lakhs has been provided? Although we find that there is no communal trouble here as in the other provinces, our police expenditure is going up and why should it go up higher and higher when we have to meet very urgent needs in other departments? This sum of Rs. 7 lakhs could at least be spent on agriculture for improving the yield of crops and for reclamation of the uncultivated areas and also for improvement of the crops themselves. According to the figures that are available to us, we find that improved departmental seeds have been introduced in only 5 per cent. of the areas of Bengal. If even during the 20 years that this department has functioned as a separate department, it could not introduce improved departmental seeds in more than 5 per cent. of the areas, how long will it take, Sir, for this department to bring the whole area of Bengal

under departmental seeds? An ordinary arithmetical calculation will easily give this information. At least this 7 lakhs could be utilised for doing these things towards the improvement of agriculture. All the major provinces of India spend near about 25 lakhs on agriculture, but it is Bengal alone which spends only 13 or 14 lakhs on agriculture. I know, Sir, that Bengal has got its disadvantages, because its annual receipt of revenues is much less than that of other provinces. But, Sir, still the amount allotted to the Police Department could be diverted for the improvement of agriculture.

Then comes the Industries Department. Cottage industry as well as middle-sized and big industries should provide employment to the one crore of surplus agricultural population whom the land cannot support. Now, we are being told that an Industrial Survey Committee has been formed, but this Committee should have been formed 18 months ago, so that by this time we could get their reports and start working according to their recommendations. We do not know what stood in the way of at least forming the Committee 18 months ago. But whatever that might be, at least some money should have been found for giving a stimulus to the development of cottage industries which is one of the crying needs of the province and on which there will not be very much difference of opinion among the members of the Industrial Committee which is now carrying on its investigations. At least for giving a supplementary source of income to the agriculturists who for nearly 3 or 4 months of the year have no employment, Government could easily arrange to supply to every agriculturist semi-automatic machines which can give an out-turn worth Re. 1-8 a day, on hire-purchase system. If such an attempt had at least been made, it could be said that Government was earnest and eager to do something to help the agriculturists. But I find that nothing of the sort has been done, only an additional sum of Rs. 57 thousand has been given this year to the Industries Department and we find that the original amount allotted last year to this department has been reduced by near about 2 lakhs at the time of the revised Budget. I do not understand what was the reason for this. In spite of the demands and in spite of our needs for industrialisation and for more and more development of our industries, we find that the money allotted was not even spent. The fact that a sum of Rs. 2 lakhs could not be spent by the Industries Department for want of proper schemes is strange indeed and hardly needs any commentary!

Then comes the problem of agricultural credit. The Finance Minister has made certain suggestions about agricultural credit, but pending the materialisation of those suggestions we expect that at least a handsome amount of money should be allotted as agricultural loans for the purpose of meeting the urgent agricultural needs of the peasantry even in ordinary years. We notice that 16 lakhs has been

allotted for that purpose, but that is not enough. We expect that agriculture should be financed by Government when there has been a shrinkage in agricultural credit owing to the operation of the debt settlement boards and other causes, so that with the help of a loan from Government the agriculturists would purchase seeds and cattle to replace the disabled or dead cattle. So, I say that some money should have been ear-marked for this purpose and some money should have been placed at the disposal of the Collector of every district. I make the suggestion tentatively till the materialisation of bigger schemes about agricultural banking.

Now comes a matter with which the mass is intimately connected, namely, rural re-construction. I find that only a sum of Rs. 14 thousand has been allotted for village re-construction problem. I do not understand how this amount will be spent. But I think that it is absolutely inadequate for any big scheme of village re-construction throughout the province. Of course, I find that there is a provision under the head "Village re-construction" for sanitary improvement to the extent of only about 50 thousand and for water-supply to the extent of 2 lakhs 81 thousand. But, Sir, for village re-construction schemes, if we are to take to it earnestly and not to play with the problem, we must provide sufficient funds. If we did something to provide at least one man for every union for co-ordinating the work of all the departments, something could be done towards village re-construction. But at present everything is left to honorary work and it is only in places where there are some active men that we could get some real good work done, while in other places nothing could be done at all. If we want a rural re-construction campaign to be successful, we must have a host of officers who must be responsible to some body, so that something is actually achieved as a result of their labours. If such a scheme were introduced, Government should be ready to come forward with sufficient amount of money and by doing so the Government in the long run will be saved from incurring bigger expenditure. Sir, most of the departments which cater to the requirements of the cultivators cannot make their beneficent activities perceptible to the remotest corner of the rural areas, because they have not got a staff. The leaflets, the very valuable leaflets issued from time to time by the Sanitation Department, Public Health Department, and the Agricultural Department, do not serve any useful purpose. There is nobody to explain their implications to the agriculturists in the remotest interior. There is nobody to translate them into action. Sir, if only one person, a capable person, were employed in every union to look after the workings of all the departments— agriculture, public health, adult education, cottage industries and all other kindred matters—he could look after all these things, and if he were given an incentive of promotion in case

of turning out really good work, we can, I think, achieve a lot even within a very limited time and with a limited expenditure.

Sir, I find that provision for water-supply has been made under three heads. A sum of 2½ lakhs has been allotted as ordinary grants under water-supply, 5 lakhs as additional grant, 2,81,000 has been shown as grants for water-supply under the village re-construction scheme. Sir, instead of such haphazard and spasmodic schemes, we should like to have one comprehensive and correlated scheme for water-supply, and we should have a survey of the entire province as to where the sources of water are found, what amount should be spent and then we should put all the money in one fund and spend from that gradually in pursuance of that scheme. But, Sir, up till now no such scheme has been prepared. We do not know if there has not been duplication in places where there is no need for water-supply. There is no co-ordination and although I know that an attempt is being made, yet no cut-and-dried scheme has yet been prepared, nor is there any earnest attempt for preparation of it. If the Government really wanted and were in earnest, they could get such a cut-and-dried scheme within six months.

Now, Sir, the Hon'ble Minister rightly complaints of his limited resources. We know his resources are limited, but we could I think, get money by retrenchment, by economy and also by taxation. Of course, he has resorted to taxation this time, but he has made only a very feeble attempt towards raising some money by taxation. I think he should have taken courage in both hands and should have come with a bigger scheme of taxation on luxury and indirect taxation which would not have touched the poorer section of the population, but at the same time the proceeds of the taxation would have come to near about a crore of rupees, if not more. With regard to economy and retrenchment, Sir, I have to say that very little attention is being paid towards economy. As a matter of economy and for saving the public from the payment of settlement costs, I think it was at the instance of the members of the Legislature that settlement proceedings, district settlement and revisional settlement proceedings, were stopped. But still, Sir, we find that the reduction in expenditure has been very little. Only a lakh has been saved; although these settlement operations if they had gone on now would have cost the Government at least 8 lakhs, if not more. Sir, we do not understand why in spite of district settlement operations being suspended, there should be a wholetime Director of Land Records and the whole paraphernalia of his office and of the office of the Director of Surveys should still continue. Why should the Revisional Land Revenue Settlement Officer's post still continue, although all sorts of enhancements have been stopped? We know, Sir, the reply will probably be that in the riparian areas, records

have to be revised from time to time as on account of diluvion and alluvion, changes do occur. I agree that even in the case of estates of which settlement has been made only two years ago, if it is found there has been a great alluvion, the Collector always does it on his own motion. He does it and gets it certified and gets it assessed. This can be done in case of riparian areas without employing the whole staff of land revenue settlement. Sir, if you do not pay attention to economy, you cannot expect to make any saving.

I do not also understand what is the meaning of this obstinacy on the part of the Government to reduce the pay of officers. If the people of the province want it, why should it not be done? It is said that efficiency will suffer and men of the right stamp will not probably come forward if sufficient pay is not given. But I do not agree, Sir, so far as the provincial service is concerned. Side by side with the Senior Provincial Service, we have got in the Junior Provincial Service men of the same type and of the same calibre and experience has shown that they have proved their ability. Some men of the Junior Provincial Service have gone to the topmost rung of the ladder. Some have gone up even to Commissionership, and what was the prospect when they entered service? They entered, most of them, on Rs. 30 or Rs. 50 during their probationary period, and the maximum which they could expect to reach was only at that time Rs. 200 or Rs. 300 as Deputy Collectors, and only 5 per cent. had the chance of rising up. But in spite of that if men of that calibre could enter the cadre of Junior Provincial Service and could get along, I do not understand why we should not be able to get men of the real type even after reducing the pay which is now prevailing in the service. Sir, I do not like to detain the House any more. I shall make only one remark more. I made certain practical suggestions which will not require the miracle of Alladdin's lamp as my esteemed friend the Finance Minister has said, nor will it require a magician's wand to translate them into action. But all that is required is a determined effort, courage and imagination for translating them into action. With these words, Sir, I resume my seat.

Rai MANMATHA NATH BOSE Bahadur: Mr. President, Sir, last year I congratulated the Hon'ble Finance Minister for presenting a budget which to my mind was much better than that of the preceding year. But I am sorry I cannot take the same view this year. The Hon'ble Minister in his speech delivered the other day said that there was a gap between receipt and expenditure on revenue account amounting to 87 lakhs which according to him could have been met from the reserve held in securities, and he has proposed to raise a loan of 1 crore in the coming year. He has further proposed to introduce two new taxation measures, one to impose a tax on dog-racing and the

other to impose an ungraduated tax of Rs. 30 a year on professions, trades, callings or employment, exempting only those who do not pay income-tax, and he has other proposals up his sleeves which he may introduce during the next session. In support of his proposal for fresh taxation, he has said in his speech that according to the budget figures for 1938-39, the revenue raised per head of the population is Rs. 2-6 in Bengal, but he does not say what the income is. I am of opinion that this proposal for fresh taxation will not be appreciated in the province and the Budget cannot claim to be a people's budget. If racing is to be taxed at all, I do not think that dog-racing will contribute much to the exchequer, and I would suggest that horse-racing be also taxed. I have not the least hesitation in saying that the proposed ungraduated tax is particularly obnoxious. This additional tax will be a real hardship on the middle class people. As to professions, the legal and the medical are at the lowest depth and the trade is very much under depression. As to calling, I do not understand what is exactly meant. If the reference is to those who are in service, it is well known that the majority of them are living under difficulties. Regarding the proposed introduction of ungraduated tax, I want to say this that inasmuch as the members of the trade, professions and callings under the various local authorities, *e.g.*, municipalities, so far as they are concerned, this new tax will be an additional burden. I suggest that since those who are in employment, *e.g.*, whether under the Government or otherwise pay no professional tax, and since income-tax is paid by all having assessable incomes whether in professions, trade or callings or employment, and since it is well known that the public officers in this country get huge salaries and the temporary cut in their salaries has been removed, it is fair and proper that the tax should be on a graduated scale. This will lead to no hardship and will bring additional money to the exchequer. I have another suggestion to make, Sir. Under the Government of India Act, 1935, you cannot touch the salary of the officers of the various Imperial Services. Some of them are drawing rupees two, three or five hundred every month as allowances under various heads, besides their pay. A look at the Bengal Civil List will show that some of them are drawing even Rs. 1,000 in allowances every month. I say the Government can very well stop these extra allowances, viz., house allowance, compensatory allowance, motor allowance, etc., and thereby effect a saving of several lakhs of rupees every year and the money thereby saved may be available for the nation-building departments. A Government which claims to be popular should have no hesitation in doing away with those allowances. Even if this be not possible, there is no reason why such allowances should not be taxed. The question is—in view of the fact that there is no scheme for the nation-building departments, should there be fresh taxation for meeting ordinary expenditure? There are

several items of expenditure and grants which should not have been sanctioned, and a large amount of money could thus be saved and imposition of taxes would have been unnecessary.

In this connection, I wish to point out that it is difficult to understand why under the heading "General Administration," provision has been made for purchasing the Hastings House at Midnapore for the Collector's residence at a cost of Rs. 48,000. The Collectors of Midnapore have all along lived in rented houses and the Hastings House is now being occupied by the Collectors for some years past. If Collectors could live in rented houses for over 175 years, one becomes curious to know the reasons which have induced the present Government, said to be a popular Government, to spend such a huge sum at a time when the Government feels the necessity for imposing fresh taxation. I submit, Sir, that this amount can very well be utilised for some useful purpose instead of being locked up on an unnecessary and unproductive item. Moreover, in these days of motor cars and bicycles, why should an elephant be purchased for the Subdivisional Officer of Cox's Bazar at an enormous cost. One expected that some explanation would be forthcoming in the Explanatory Memorandum about this; but nothing is found. Furthermore, it is well known that there is a separate Publicity Department for which a huge amount was available, and the Bengal Weekly is regularly published for enlightening the people about the doings of the Government. I am, therefore, anxious to know what special reason there is for granting Rs. 30,000 to a newspaper not owned by Government. Under the sub-heading "Debt Conciliation", (Grant No. 13), there is a proposal for appointing a fourth Deputy Director of Debt Conciliation with necessary staff. In a year when necessity is felt for imposing fresh taxation, is it not proper and desirable to avoid making new appointments? There can be no urgency and even if there be, I do not see why the work cannot be done by the existing staff at least till better days.

Coming to "Administration of Justice," I think there is scope for reduction of expenditure in some of the items. By way of illustration, I may draw attention to "Civil and Sessions Courts—Contract Contingencies," and I suggest the following:—

(*a*) the Conference of Judicial Officers may be abandoned and the Judicial Officers' opinion in writing may be asked for, for the purpose, wherever necessary;

(*b*) periodical transfer of ministerial officers may be stopped and savings on account of travelling expenses may be made on that head by interchange of posts amongst the ministerial officers in the same station under Rule 1008 of the Civil Rules and Orders;

(*c*) quarterly despatch of decided records of the mufassil courts to the District Record Room, as was done before, may be resorted to instead of monthly despatch as now, and this will result in considerable savings;

(*d*) remittances from *choukis* to the Sadar Treasury may be reduced to twice a month instead of four times a month as now.

I am sure there will be considerable saving, if my suggestions be given effect to.

Under the head "Police," now that there are no anarchical activities, it is difficult to understand why provision is made for entertaining 1 permanent and 2 temporary Deputy Superintendents of Police and raising the number of recruitment of probationary Sub-Inspectors from 66 to 100.

Regarding Education, I appealed to the Finance Minister last year to increase the grant to the Sanskrit tols. I find this year that the grant to the Sanskrit tols is very low and can bear no comparison to the grant made to other denominational institutions. In this connection I wish to repeat what I said last year about the Midnapore College. Originally this was a Government college, and although for some years the college was under municipal management, the college was taken back by Government from the municipality and was placed under a governing body with the District Magistrate as Chairman. As this body has no money of its own, representations were made by the governing body for placing the college under Government, and it was believed that Government would take it over. I am, therefore, anxious to know if any provision has been made in the Budget for taking over the Midnapore College.

Regarding Co-operative, I find that Rs. 27,960 has been allotted for a scheme for organisation and development of rural reconstruction societies on co-operative lines. I shall be glad if the Hon'ble Minister will kindly tell us how the amount is intended to be spent.

I cannot conclude without a reference to middle-class unemployment. No doubt the Hon'ble Minister has shown his anxiety for and sympathy with the unemployed, but I am sorry to say that no concrete proposal has been brought forward, although the situation is extremely serious.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Mr. Sarker's estimates of receipts on jute and non-judicial stamps will not materialise owing to the distant rumblings of the thunder of war which are nearing day by day. The Ministry's policy of killing the goose that lays the golden eggs by substituting a new set of proprietors in place of the

old, even at the sacrifice of the tillers of the soil, the Ministry's policy of financial anarchy brought about by the operation of the Agricultural Debtors' Act must for ever remain responsible for the gradual falling off of revenue under the heads "Land Revenue" and "Court Fees." Hence, it is that the estimate of the total revenue receipts for 1939-40 at 13 crores and 78 lakhs errs, in my opinion, on the side of unreasonable optimism worthy of a company promoter or an extravagant financier. Sir, the figures make a gruesome reading. I am sorry, I am unable to congratulate the Finance Minister in the way he has handled the finances of Bengal. He came by a pretty good surplus of 1 crore 17 lakhs 72 thousands and the opening balance of 1 crore 5 lakhs 77 thousands in 1937-38. All these have disappeared, leaving a deficit of 87 lakhs on revenue account with an opening balance of Rs. 78 lakhs for 1939-40. We remember that the Government of India did all it could to give him a clean slate by writing off 8 crores of Bengal's debt to the Centre and by giving a good opening balance together with 2½ crores of jute tax and a portion of income-tax. By 1938, a large burden on the revenues of the province was removed by Gaol Delivery. The Excise Department in the absence of any prohibition programme, was yielding a good revenue. Yet, in spite of all these, the forecast for 1939-40 has been a great disappointment for the people of Bengal. In regard to "General Administration", on the side of expenditure the Budget is heavier by 35½ lakhs over that of 1935-36. The expenditure under the head "Police", has gone up in spite of the fact that Bengal is perfectly peaceful owing to the Congress creed of non-violence having reached even the remotest corner of the province. It has gone up by 3½ lakhs over the Budget of 1935-36 and by about 6 lakhs over the Budget for 1936-37. In regard to "Administration of Justice," we find a rise in expenditure to the tune of 5 lakhs in 1939-40 over the actual estimates in the Budget for 1936-37. We recognise that compared with the Budget for 1936-37, the "General Education" Budget of 1939-40 provide for an excess expenditure of Rs. 38 lakhs, but of this increase a sum of Rs. 7 lakhs only goes to primary education, the total sum proposed to be spent on primary education during 1939-40 being only Rs. 26½ lakhs. A contribution of Rs. 14,000 for night and continuation schools for adults is scandalous, when we find generosity extended to quarters where nobody would have been the worse for want of it. The St. Xavier's College only recently treated the students very badly, but it has been rewarded by a princely gift by the Finance Minister amounting to Rs. 1,50,000 which could well go for adult education. Sir, I am not one of those who will oppose the imposition of fresh taxes, provided they are necessary and equitable, and provided they are preceded by all possible retrenchment in the cost of the administration of the province. Judged by both these standards, it must be said that there is no justification for the new taxes. Raise up the receipts of the province by all equitable means, but please give us

a plan first for which you require the money. In the Congress province of Orissa, they are going to raise a loan for launching an electrification project at a cost of about 2½ crores. What project have you in hand that you must have——

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, if I may correct the hon'ble member, it is not Orissa but Bihar that is raising a loan for this purpose.

Mr. LALIT CHANDRA DAS: I stand corrected, Sir. But I say, what project have you in hand that you must have 12 lakhs of fresh revenue by fresh taxation?

Then there was the insistent cry during the last two years for retrenchment and more retrenchment. What have you done in those directions to deserve our approval of this fresh taxation? No Finance Minister could sit with equanimity with the knowledge that 45 per cent. of the revenue of the province is being swallowed up by the Services. Sir, the present Ministry has not the boldness to suggest a reduction of the cadre and pay of the Indian Civil Service and Indian Medical Service and also the Police Service and secure for Bengal an Order in Council in her favour presenting a reasoned statement of her finances and requirements. I know, Sir, the Hon'ble Mr. Sarker will say that it is a matter for all other provinces to join with him to do so. But did Assam wait when it urged the abolition of the posts of Commissioner of the two divisions? Has Assam failed in her attempt? Did not Assam succeed in abolishing these posts? Is it not a fact that so far back as 1934, the Swan Committee had reported in favour of the abolition of the two posts of the Commissioner of Divisions in Bengal? What has the Bengal Ministry done so far to bring about this reduction? This, Sir, I say by way only of illustration. Sir, a steady cut of 5 per cent. in all salaries between Rs. 100 and Rs. 200 per month and a graded reduction of 10 to 20 per cent. in salaries not protected by the Statute of over Rs. 200 will bring about a saving of not less than 20 lakhs of rupees. Savings can also be made by a reduction of all superfluous posts and by reducing the number of Ministers and their own salaries, thus setting a good example for others to follow. The supply of really capable and honest persons in Bengal for different grades of services is so plentiful, that there is not the least ground for the apprehension of the Finance Minister that the efficiency and the integrity of the services will suffer by the reduction of pay.

Then, when we find lakhs of money have been earmarked for patronising communal institutions to the detriment of the general education in which all participate, thereby making brilliant students suffer for the crime of not belonging to a particular community or caste, and when we find that grant to primary education is made to suffer by an injudicious distribution of money to institutions whose needs were

as nothing compared to the demands of primary education, when we find that there is budget increase of 18 lakhs under "Civil Works," for building projects which should have been stopped for the year till better days, and when we find ineffective increases in expenditure for "Public Health," "Irrigation" and "Agriculture," and when, on the top of all this, we find that the Government which has been aptly described by Mr. Fazlul Huq as the Moslem Government, has hit upon the idea of raising the "Azad" to the status of the Twelfth Minister without any portfolio at a subvention of Rs. 30,000 a year, we hang down our heads in shame that our Finance Minister yet finds reasons for fresh taxation and sits tight on the Treasury Bench? Sir, the incidence of unemployment is disastrously acute among the middle-classes and the educated sections of our people including a large section in the legal profession which is hard hit by the operations of the Bengal Agricultural Debtors' Act and the amended Bengal Tenancy Act.

While the peasants and labourers can earn at least their daily morsel, these unemployed members of the educated middle-classes, who have been the torch-bearers of freedom and brought light and culture to the province, are in desperate straits with every door barred against them and with blank starvation staring them and their dependents in the face. In all civilised countries, unemployment is a serious problem, so much so that a Ministry stands or falls with its solution or want of solution. There, arrangements are made for unemployment doles pending the finding of employment for them. Here, no genuine effort has been made by the Government to save these people or to give them employment which is the duty of the Government to do. I agree that an adequate solution of the problem would depend on the creation of extensive machinery for absorbing more people on a large scale in big or middle-sized or small and cottage industry, in commerce and trade, in transportation both large and small. For this, I hold that it is the bounden duty of the Government to nationalise some of the key industries of the province, such as Coal and Salt or even to start model mills such as cotton and jute mills, to absorb the unemployed and to give them impetus to private enterprise. I am sorry to observe that the present Ministry has not even cared to keep a census of the unemployed and if questioned, the Ministry would not be able to say what their number is and what their requirements are, for absorption in the different kinds of employment.

Sir, we want less crocodile tears but more sympathetic and genuine action on the part of the Government to save these valuable lives. The old bureaucratic method of giving some of them sustenance was to put them to detention or imprisonment. That method must give way to business employment. After two years of cogitation, the Ministry is setting up a committee for the industrial survey of the province—a step which looks very much like a postponement of the urgent necessity of the immediate solution of the problem of

unemployment. Sir, it is no use flogging a dead horse. The Jute Ordinance has been withdrawn. The call for jute bags was anticipated in view of Great Britain's preparedness for defence as well as for attack in the next war. The Ministry's grateful love for the European merchants was demonstrated by the protection it gave against over-production and by helping them to continue enjoying fabulous dividends in *hessian* production and their sales. But of the Ministry's love for the "man behind the plough" is genuine, will they come forward with an Ordinance for immediate restriction of the area for the growth of jute and for fixing a minimum price for the same? The attenuation of stocks, both in and outside India, is good news. If by sowing two *kanis* of land, I get the price of jute for 4 *kanis* of land, the Finance Minister will be wrong in tempting the man behind the plough to sow an extra area for producing hundred lakhs of bales of jute instead of 75 lakhs which should be the maximum. These 75 lakhs of bales of jute in lesser areas of land, I am sure, will bring in prices for 150 lakhs of bales of jute, thereby releasing larger areas of land for production of paddy for the maintenance of the man behind the plough. But when the man behind the plough agitates for reduction of the incidence of rent per acre as in the Damodar Canal area in the district of Burdwan, and when he agitates for lesser rent, and when I see that he is met by the posting of over 500 police in different centres in the canal area and by drafting of British soldiers there, and by application of repressive law such as the Bengal Criminal Law Amendment Act of 1932, and by application of section 144, Criminal Procedure Code, I am tortured by doubt about the Ministry's love for the man behind the plough. They seem merely so many pawns on the chess-board of the Ministry to play with just as it would suit their own interests. So, when I find that in the name of giving relief to the cultivators of Bengal, rural credit has been completely destroyed by the present Ministry by the application of the Bengal Agricultural Debtor's Act without setting up necessary organisations which would cater to the ordinary credit requirements of the cultivators and the rural population in general, I lose all faith in its love for the man behind the plough, specially in view of the further fact that it has set up a new set of proprietors in place of the old at the cost of the interests of the tillers of the soil.

Sir, I remember that the Hon'ble Mr. Fazlul Huq in one of his speeches declared that the Ministry would resign if it would fail to introduce free and universal primary education in Bengal. It has failed to do so, although it has been in office for two years. Nor is there any hope that it will ever succeed in doing so, as the Finance Minister himself has pointed out by facts and figures set out in Appendix III of his printed speech. And yet we all know that

primary education is the most urgent requirement of the province. No scheme, social or economic or sanitary, can ever hope to succeed unless illiteracy is banished from Bengal. Japan and all other progressive nations are what they are because of the removal of illiteracy of their masses. And yet it is also a fact that the people of Bengal can hardly afford to bear the burden of an Education tax which is proposed to be realised by the Government in order to introduce free and compulsory primary education on a province-wide scale. The Government of India has particular responsibility in this regard. Since 1916 it has taken away from Bengal not less than sixty crores of rupees in the shape of Jute duty. I ask, was any attempt made by the present Ministry to pursuade the centre to finance the scheme of primary education in Bengal, even if it be by recourse to the taxation powers of the Central Government? Did the Hon'ble Mr. Fazlul Huq, as he promised, go to Delhi for the purpose? Sir, we are anxious to know the results of that Delhi negotiation.

Sir, a four-year course of studies for children between the ages 6 and 9 will enable the masses in Bengal to attain literacy. If the available man-power is harnessed, if the matriculates are conscripted for this noble work for a year by turns, primary education can be made both free and universal at lesser cost. A move in that direction cannot be unwelcome, but care must always be taken that no communal education is imparted to the pupils. In that case instead of good, much harm will result.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, the Hon'ble Finance Minister has presented his third budget with exposition of the same in a lucid and lengthy speech concluding with an appeal for co-operation from all sections of the House. Sir, though I belong to that section of the House which is ready to extend hands of co-operation if and when it is possible and which never indulges in offering opposition to the Government for opposition's sake only, I feel inclined to ask if the Hon'ble Minister actually means what he says. Sir, in response to similar gesture on the part of the Hon'ble Minister in the course of his budget speech last year, our venerable colleague, Khan Bahadur M. Abdul Karim, suggested formation of a standing committee consisting of representatives from all sections of the legislators, where questions involving financial implications might be discussed threadbare, and the members of the committee might get an opportunity to put forward their views previous to the preparation of the budget. The Hon'ble Minister in the course of his reply signified his assent to the proposal of the Khan Bahadur and assured the House of formation of a finance standing committee as suggested by the Khan Bahadur. Since then a full year has rolled away, and the committee still remains to be constituted. Now, will it

be relevant to enquire if this is the way to ask for our co-operation. I pause for a reply. Now, I turn to the Budget itself. The chief features of the Budget under consideration are:—

(1) a heavy deficit of Rs. 87 lakhs;

(2) unwelcome proposal for fresh taxation measures;

(3) unfortunate decision for raising a loan of one crore of rupees; and

(4) uncomfortable hint for further taxation measures in the coming monsoon session.

Sir, having regard to the fact that the Hon'ble Finance Minister had the good luck to start with the unique advantage, firstly, of an unprecedented accumulation of a heavy sum of about Rs. 2½ crores by way of jute duty, secondly, of a substantial allocation of income-tax proceeds and, thirdly, of total remission of all outstanding debts of the province to the Central Government, and in view of the fact that the Government has been relieved of a great burden of the provincial revenue due to the release of political prisoners, one finds it very difficult to be convinced of the sound management of the finance of the State when faced with an unexpected proposition for new taxation.

The actual surplus of 224 lakhs of the first year of provincial autonomy has been totally exhausted, and we are confronted with a revenue deficit of Rs. 87 lakhs, and we are asked to swallow the bitter pills of additional taxation measures yielding an income of Rs. 12 lakhs per annum. Sir, before one agrees to support these additional taxation measures, he must be satisfied that these measures stand the test of justification. Sir, in the absence of the very essential ground of unavoidability for balancing the Budget, in the absence of any definite scheme for public utility and national reconstruction and in the absence of proof positive that the desired object cannot be achieved by rigid economy of administration, it is very difficult to conscientiously support these obnoxious measures.

Sir, while appreciating the Hon'ble Minister's attention towards nation-building departments which marks a departure from the pre-Reform days when the Finance Member remained content with provisions mainly for administrative expenses, I feel constrained to observe that the increased allotment of about Rs. 12 lakhs meant for educational advance not only falls far short of actual requirements of the province, but also in distributing the enhanced provision, long-felt want and crying needs of some of the most prominent institutions have been lost sight of. In this connection, I think I shall be failing in my solemn duty to my Alma Mater if I do not mention the case of the

Presidency College. Sir, it is a pity that there is darkness just under the light post. I am not in possession of facts if the Hon'ble Fipance Minister has had any connection with this institution, but it is a fact that the Hon'ble Chief Minister of Bengal is one of its finest productions. I shall now make an attempt to place before you the grievances of the Presidency College, and with that object in view I want, with your kind permission, to read a portion of the report of the Principal presented on the occasion of Founders' Day of the institution which was lately celebrated on the 28th day of January under the presidency of the Hon'ble Chief Minister himself. The report will speak for itself: "For years we have been continuously urging the authorities to note our pressing requirements, some of which have really become crying needs. We have been steadily refusing, from year to year, numbers of highly promising students to whom our doors are closed owing to our scale of fees, which appears too high when compared with the fee-fare of other colleges; to counteract in some measure the obvious reactions of this disagreeable necessity, we have repeatedly stressed our need for a number of full-free studentships without which we are seriously handicapped in our yearly admissions." Now, I would like to give the details as regards the scale of fees realised in this college. The fees to be paid by ordinary students are an admission fee of Rs. 16 and a monthly tuition fee according to the scale given below:—

	Rs.
I.A.	14
I.Sc.	15
B.A. (Pass) ...	15
B.A. (Hons.) ...	16
B.Sc. (Pass) ...	16
B.Sc. (Hons.) ...	17
M.A.	17
M.Sc.	18

Over and above this, there is a University registration fee of Rs. 2, an annual atheletic subscription of Rs. 3, an annual magazine subscription of Re. 1-8, annual college union subscription of Re. 1, an annual periodical examination fee of Re. 1 which are payable at the beginning of the session Now, Sir, I ask if during this time of economic depression, it is possible for the average number of guardians and fathers of the boys to afford to spend at such high rate to get their wards educated in the premier college of Bengal. Now, Sir, turning to the report I may continue: "The absence of an Assembly Hall places us in an extremely awkward and embarrassing situation every time we

have to convene a meeting of our students, whose average numerical strength is about one thousand. We cannot accommodate more than 350 students at any college function, and even this small minority have to crowd into a hardly sufficient lecture theatre." Sir, what a disgrace it is that in the premier institution of this province where the numerical strength of the students is one thousand, not more than 350 students can join in any social gathering or social function if it is held within the precincts of the college. Again to resume: "How difficult the attempt to squeeze a whole college and its guests into such a room as this is palpable to you this evening, and we have to remember with regret that the vast majority of our students have been prevented from joining us here owing to our lack of accommodation." What a shameful state of affairs! "Schemes are being prepared for an extension of the Chemical Laboratory to which we invite the sympathetic attention of the Government. We want a gymnasium too, a hostel for our Muslim students, and, for expansion, land on Bhowani Dutt's Lane. A compound wall in front of the Baker Laboratory and servants' quarters we need as well." Out of this list of wants referred to in the report, need for an Assembly Hall, a Muhammadan Hostel and free studentship is the sorest. A spacious hall, where the students can occasionally hold social and academic gatherings, is one of the crying needs of the institution to foster corporate life among the students. Now let me refer to the reply which the Hon'ble Chief Minister was pleased to make on that occasion, and again I crave the indulgence of your kind permission to refer to a newspaper cutting. (Reads.) "What Bengal has done for other provinces, the Presidency College has done for the other educational institutions of this province. Reference has been made in the report to some of the pressing needs of the college. The Principal was a zealous guardian of the rights of the college and so long as he remained as the head of the institution, there was no chance of any legitimate demands of the college being refused. Really the question is one of funds, and since the present Government had committed itself to do all that it could for the advancement of education, it could not shut its eyes to the genuine demands of the premier college of Bengal."

The idea of helping the students who are really poor with stipends and scholarships had commended itself to the Hon'ble Chief Minister personally, and he was glad to announce that this year he would be able to provide a sufficient amount of money for the award of scholarships to poor and needy students in schools and colleges of Bengal, and he was sure that the Presidency College would come in for a fair share of that grant. It was said that if the Government wanted to maintain the high standard of efficiency of the Presidency College and the reputation it had acquired among the educational institutions of the province, they must be prepared to spend sufficient

money to provide not merely for its crying needs but also for new projects to enable the institution to make substantial progress. He admitted the justice of that claim, and although he had not been able to give any tangible proof of his love for the college, he would see that there was no lack of effort on his part to help the institution. He assured the meeting that it might be possible to remove the legitimate want of the college regarding an Assembly Hall. He wanted to discuss the whole question with the Principal and hoped that by the time the next Founder's Day was celebrated, some at least of the grievances of the college would be things of the past. He also hoped that in the near future, through the united efforts of ex-students as well as the present students and the professors of the Presidency College, they would be able to build up a "college which would be a glory not merely of Bengal, but of India as a whole." What a hopeful reply, Sir, but what a sad picture in the Budget! What a sad contrast between the statement of the Hon'ble Chief Minister and the allotments made in the Budget!

The Hon'ble Mr. NALINI RANJAN SARKER: May I enquire what is the date of the statement?

Khan Sahib ABDUL HAMID CHOWDHURY: 28th January 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: That is why it could not be incorporated in the Budget. An allotment would be made in the next year's Budget on this head.

Khan Sahib ABDUL HAMID CHOWDHURY: The Hon'ble Finance Minister just tells us that this statement of the Chief Minister having been made only a few days back, that accounts for the inconsistency between the Budget figure and the statement, and therefore it should not be complained of. However, Sir, I still appeal to him to look to this matter, and I hope he will be able in the course of his reply to make a sympathetic statement. I also hope that he will remember the crying needs of the premier college of this province and make suitable provision at the time of the preparation of his supplementary budget.

As regards the Muhammadan Hostel, I want to begin with a statement as to the existing arrangements for the residence of the Muhammadan boys——

Mr. PRESIDENT: The hon'ble member will have to conclude his remarks very soon. He has already spoken for 22 minutes.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, the previous speakers have been given much more time than I have taken.

Mr. PRESIDENT: Well, please try to finish as soon as possible.

Khan Sahib ABDUL HAMID CHOWDHURY: Muhammadan students of the Presidency College have, up to the limits of rooms available, a preferential claim to be admitted to the Taylor Hostel. Fifty students of the Presidency College are also allowed for the present to reside in the Baker Hostel attached to the Islamia College. Sir, the Taylor Hostel which is situated in a rented house on Wellington Street, is only an apology for a hostel, and the Baker Hostel which is no better than a prison cell, is also not suitable for the Presidency College purpose on more than one ground. Firstly, it is situated at a great distance from the Presidency College and as such every Presidency College boy residing in the Baker Hostel is subjected to the trouble, risk and expense of at least two trips a day. Secondly, this hostel is primarily intended for the students of the Islamia College. Students of the Presidency College are allowed only by the courtesy of the Islamia College authorities, and this privilege may be withdrawn at any time if accommodation is not available due to the overcrowding of the Islamia College students. Thirdly, this hostel is most unsuitable from a sanitary point of view, due to unsatisfactory arrangement for ventilation. Fourthly, goods of the boarders are not safe against bad characters who can get into the room, even when it is locked up, by scaling the partition wall which is not high enough to reach the roof. I would like, Sir, to request the Hon'ble Finance Minister to fix a date to pay a short visit to the Baker Hostel and see things with his own eyes. Because of this defect, theft is a common occurrence there. I feel sorry, Sir, to let you know that only recently the [illegible] shew of the Hon'ble Chief Minister lost a very valuable camera there, and another student lost a watch! I do not want to take much of the valuable time of the House by enumerating other disadvantages. I only beg to state that most of these grounds which have been enumerated by me are more or less applicable in the case of Taylor Hostel as well. A new Muhammadan Hostel attached to the Presidency College will also save the money now spent on rent for the Taylor Hostel.

Sir, I put some interpellations to ascertain the Government views on the question of the Assembly Hall and the Muhammadan Hostel attached to the Presidency College. The reply to those interpellations is overdue, as is usual with the department in charge of the Hon'ble Chief Minister. Sir, I wish he might be present at this discussion, but he is too big to grace this humble House with his august presence as is obvious from the fact that he is conspicuous by his

absence from this House from day to day except on occasions of Government emergency. And his department is bigger still and God only knows when my interpellations will receive their attention.

The next instance of significant omission from the budgetary provision is the Ananda Mohan College, Mymensingh. Sir, this reminds me of the well-known adage, namely, nearer the Church, further from God! It is the greatest misfortune for Mymensingh that during the stewardship of a distinguished son of hers, the needs of Mymensingh escapes the notice of the Government. Sir, Mymensingh which is the biggest district in the province with a population of six millions has only one first grade college, but it still remains to be affiliated in B.Sc., which is but a legitimate and logical sequel to the Intermediate Science, and provision of the graduate course in Science is an indubitable necessity. Sir, the governing body of the Ananda Mohan College decided to open B.Sc. classes in Physics and Chemistry, the college being already affiliated in Mathematics up to the Honours Standard, and applied for an additional monthly grant of Rs. 500 and a capital grant of Rs. 20,000. The extended affiliation depends on fulfilment of certain conditions including the construction of additional laboratories and fitting the same with apparatus, chemicals, furniture, etc., which require an initial expenditure of Rs. 35,000 at a moderate estimate. For a noble purpose and a pressing need like this, is it too much to expect from the benign Government a non-recurring grant of Rs. 20,000 only? In this connection, Sir——

Mr. PRESIDENT: Order, order. Is the hon'ble member likely to conclude soon?

Khan Sahib ABDUL HAMID CHOWDHURY: I am afraid I won't be able to conclude soon.

Mr. PRESIDENT: How many minutes more will you take?

Khan Sahib ABDUL HAMID CHOWDHURY: I won't take much of the time to-morrow.

Mr. PRESIDENT: You have spoken for half an hour already. I am trying to accommodate the hon'ble members as much as possible. But the Chair has got to see that all members anxious to speak on the Budget get a chance to have their say. You have already spoken for half an hour and if you continue indefinitely, I am afraid, it will deprive many other members of an opportunity to speak.

Khan Sahib ABDUL HAMID CHOWDHURY: All right, Sir. I shall try to be very short.

Mr. PRESIDENT: You may give the general outline of your speech instead of dilating on the details.

Khan Sahib ABDUL HAMID CHOWDHURY: Now, in this connection, Sir, I would like to point out that the college authority has been put to great financial difficulty due to the stoppage of all payments of deposit money and interest thereon by the Mymensingh Central Co-operative Bank, Dacca Peoples' Bank and the Jamalpur Bank, Ltd., where more than Rs. 28,000 out of the Reserve Fund had been kept in deposit. I may also incidentally mention that at the time of the last extension of the College Hostel about 8 years ago, at a cost of Rs. 30,000, Government promised to contribute one-third of the total expenditure on which assurance the college authorities undertook execution of the work, but ultimately the then bureaucratic Government did not redeem their promise. Under these circumstances, Sir, is it not absolutely unfortunate that such a reasonable prayer for a capital grant of Rs. 20,000 only for opening the B.Sc. Classes from July next should fail to receive due consideration at the hands of the Hon'ble Finance Minister?

The next thing which occupies my thought is the Lytton Medical School of Mymensingh which is continuing its existence under a severe ordeal. The institution is under constant threat of abolition for non-fulfilment of certain conditions imposed by the Government in respect of improvement of the local S. K. Hospital, both the institutions being interconnected with each other. The hospital owes its existence mainly to the munificence of the Mymensingh people. If the present world-wide economic depression has become a handicap towards displaying further generosity by the local public, that certainly should not be made an excuse for taking away by the left hand which was so kindly given by Lord Lytton's Government by the right hand. The Lytton Medical School is, after all, a Government institution and the ultimate responsibility for its upkeep and maintenance lies with the Government. I would, on behalf of the people of the Mymensingh district, request the Hon'ble Finance Minister to see that the premier district in the province may not lose the benefit of its only medical school.

Sir, I am very much disappointed at the hopelessly meagre attention paid towards expansion of primary education which is the very foundation of nation-building. As a result of my personal experience in my own district, I think it my painful duty to place before you the gloomy picture of mismanagement of primary education there under the administration of the district school board. It is in the district of Mymensingh that in giving partial effect to the Rural Primary Education Act, district school board was first established. It is again in this district that Education cess has first been levied.

But with what result? The number of primary schools has been reduced to a great extent, and a large number of students are being refused admission every year for want of accommodation, and the poor teachers are not getting their small pays regularly, though unlike other districts realisation of Education cess has not been suspended there. Is this a very happy state of affairs? Does this reflect any credit on the popular Government? It is also to be noted in this connection that in spite of the imposition of Education cess, no new school is being sanctioned where people cannot provide a building at their own cost and according to the specification of the district school board. In this connection, I should also like to say a word about the present system of the realisation of the Education cess through the zemindars. The latest amendment of the Tenancy Act has struck at the very root of the zemindary system and has shaken its very foundation. When zemindars are so hard hit, they should be absolved from the obligation of payment of the tenants' share of the cess for realisation of which some other new arrangement -preferably through the union boards—should be made.

I shall now refer to a very small matter. There is a special officer for primary education at Mymensingh who is eager to go on deputation for visual training in Wardah, Moga and other suitable institutions. His representation has been strongly recommended by the District Inspector of Schools with suggestion for a fixed allowance of Rs. 100 per mensem for six months only in addition to his usual pay. In the interest of primary education, this should have been allowed.

Mr. PRESIDENT: Order, order. The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 22nd February, 1939.

Members absent.

The following members were absent from the meeting held on the 21st February, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. D. J. Cohen.
(4) Mr. Mohammad Hossain.
(5) Maulana Muhammad Akram Khan.
(6) Mr. T. Lamb.
(7) Mr. J. MacFarlane.
(8) Begum Hamida Momin.
(9) Rai Bahadur Satis Chandra Mukherji.
(10) Mr. E. C. Ormond.
(11) Mr. H. P. Poddar.
(12) Rai Sahib Jatindra Mohan Sen.
(13) Mr. D. H. Wilmer.

B. G. Press—1938-39—1,034A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 22nd February, 1939, at 2-15 p.m., being the ninth day of the First Session, pursuant to section 62 (2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Districts affected by the recent flood.

64. Mr. RANAJIT PAL CHOWDHURY (on behalf of Rai Bahadur Surendra Narayan Sinha): Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many districts had been affected by the recent flood;

(*b*) how many people have suffered, district by district, by the flood;

(*c*) how many houses have collapsed;

(*d*) whether any death occurred due to drowning, snake-bite, starvation and cholera;

(*e*) what were the numbers of deaths, if any, due to each of the cases mentioned in part (*d*);

(*f*) what amount of money the Government have paid for gratuitous relief and agricultural loan, district by district;

(*g*) what amount of money did the District Board spend towards relief works;

(*h*) whether any test work has been started in any district;

(*i*) in what districts the education cess has been suspended;

(*j*) what kind of medical help the Public Health Department rendered to the flood-stricken people; and

(*k*) what amount of money the Bengal Central Flood Relief Committee collected and how the amount has been disbursed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) A statement is placed on the table.

(*c*) and (*d*) The information about the number of collapsed houses, deaths due to drowning, snake-bite and cholera are not readily available and Government do not consider that the trouble and expense involved in its compilation would be commensurate with the value of the information sought. There has been no death due to starvation.

(*e*) Does not arise.

(*f*) and (*g*) The statement placed on the table gives the required information.

(*h*) Yes.

(*i*) In the districts of Pabna, Bogra, Rangpur, Dinajpur, Faridpur, Chittagong, Noakhali, Murshidabad and Nadia.

(*j*) A brief note describing the steps taken by the Public Health Department is placed on the table.

(*k*) The Central Flood Relief Committee is a non-official organisation and will, no doubt, publish a statement dealing with its activities in due course.

Statement referred to in the reply to clauses (a), (b), (f) and (g) of question No. 64, showing the amount sanctioned by Government and District Boards for districts affected by the recent flood.

Districts affected.	Population affected.	Amount sanctioned by Government.		Amount spent by District Boards towards relief works.
		Agricultural loan.	Gratuitous relief.	
		Rs.	Rs.	Rs.
1. 24-Parganas ..	106,818	1,17,000	7,000	10,000
2. Jessore ..	681,618	4,20,000	35,000	5,500
3. Khulna ..	205,830	2,40,000	45,000	Nil
4. Nadia ..	800,017	2,00,000	17,000	20,000
5. Murshidabad ..	814,012	6,55,000	64,500	21,000
6. Dacca ..	1,139,800	3,10,000	31,600	300
7. Faridpur ..	561,057	6,30,000	40,000	4,000
8. Mymensingh ..	409,600	1,92,650	3,000	650
9. Bakarganj ..	200,000	1,40,000	3,000	5,000
10. Rajshahi ..	347,089	3,40,000	11,000	5,000 For test works and gratuitous relief.
11. Rangpur ..	282,360	3,31,000	20,000	Nil
12. Pabna ..	1,335,705	5,85,000	65,000	15,000
13. Bogra ..	292,420	2,02,000	2,000	1,530
14. Dinajpur ..	73,062	47,000	3,000	Nil
15. Malda ..	625,000	3,11,500	40,000	5,000
Total ..	78,74,388	47,21,150	3,87,100	92,980

Statement referred to in the reply to clause (j), of question No. 64, showing the measures taken by the Public Health Department against the epidemic diseases in the flood-affected districts.

In view of the recent extensive flood in some of the districts of the province and the threat of cholera and other waterborne diseases that were likely to follow in its wake, this department took time by the forelock and decided with the approval of Government to form an adequate number of mobile combined medical and sanitary units, each unit consisting of a Doctor, a compounder and a medicine carrier with sufficient stock of preventive and curative medicines supplemented where necessary by a Sanitary Inspector.

Even before this scheme was formulated, this department had sent out Doctors and Sanitary Inspectors on the requisition of the local bodies and the following resumé will show how far assistance has been rendered to the different districts:—

(1) *Murshidabad.*—Four Doctors and four Sanitary Inspectors were deputed by the Public Health Department to the Murshidabad district and one Sanitary Inspector to the Jiaganj-Azimganj Municipality in the Murshidabad district. Necessary equipments for four medical units were supplied to the Secretary, Medical Flood Relief Committee.

(2) *Jessore.*—Five medical units and fifteen Doctors were deputed by the Public Health Department.

(3) *Nadia.*—Two medical units were sent to the Nadia district.

(4) *Faridpur.*—Nine medical units and 5 Doctors and 3 Sanitary Inspectors were deputed by the Public Health Department.

(5) *Malda.*—Four medical units were sent to the Malda district.

(6) *Rangpur.*—Ten medical units and 6 Doctors and 2 Sanitary Inspectors were deputed by the Public Health Department.

(7) *Pabna.*—Eleven Doctors and 1 Sanitary Inspector were deputed to the Pabna district and three Sanitary Inspectors to the Sirajganj Municipality. A medical unit with equipment has been sent to the Pabna Municipality.

(8) *Rajshahi.*—Four medical units were sent to the Rajshahi district.

(9) *Bogra.*—Six Doctors were deputed by the Public Health Department. A medical unit with equipment was sent to the Sherpur Municipality.

(10) *Khulna.*—Seven medical units were sent to the Khulna district.

(11) *24-Parganas.*—Five Sanitary Inspectors were deputed.

(12) *Dacca.*—Four Sanitary Inspectors were deputed.

(13) *Mymensingh.*—Eighteen medical units and 11 Doctors and 7 Sanitary Inspectors were deputed.

(14) *Bakarganj.*—Seven medical units and 2 Doctors were deputed.

In addition to the above measures, the Circle Assistant Directors of Public Health visited the flood-affected localities in their respective jurisdictions to advise the local authorities as to the preventive measures to be adopted.

Besides, quinine, plasmochin, and bleaching powder supplied by the Public Health Department to the local bodies and flood relief associations with the medical units, a total quantity of 53 cwts. of bleaching powder, 30 lbs. of cinchona quinine sulphate tablets, 33 lbs. of cinchona febrifuge tablets, 26 lbs. of crude quinine tablets and 15 lbs. of cinchona febrifuge powder were supplied to the local bodies and flood relief associations.

Cultivation of small holdings.

65. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) Whether the Government is aware of the fact that cultivation of small holdings is mostly unprofitable?

(*b*) Is it not a fact that considerable portion of the rural population depends solely for their subsistence on these small holdings?

(*c*) Does the Government propose to initiate any scheme for the development of these small holdings?

(*d*) Does the Government propose to encourage and adopt means for fostering collective agricultural enterprises and farms formed by means of voluntary joining of small holdings on co-operative basis?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) Yes.

(*c*) Fragmentation of holdings is a great hindrance to improvement of agriculture. It has not been found practicable yet to evolve any scheme to consolidate small holdings and to check the process of fragmentation particularly in view of the laws of inheritance.

(*d*) The possibility of taking action along these lines is under the examination of the Co-operative Credit and Rural Indebtedness Department of this Government.

Moslem female medical practitioners and nurses.

66. Mr. NUR AHMED: (*a*) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware of the great necessity of Moslem female medical practitioners and nurses?

(*b*) If so, what steps have the Government taken or are they contemplating to take to remove this want?

(*c*) Have the Government sanctioned special scholarships only for Moslem females for encouraging medical training and training for nurse of Moslem females? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*b*) Government are aware of the great need for encouraging Bengali women generally in the province, including Muslim women, to take up the profession of medical practitioners and nurses. Steps have been taken to encourage Bengali women, including Muslim women, to take up these professions. I have also initiated enquiries in regard to the demand in the rural areas for female medical practitioners.

(*c*) No. Besides the general scholarships for female students, Muslim lady students will participate in the special scholarships for Muslims. Nurses are paid stipends as soon as they are enrolled and no special scholarships are necessary.

General Discussion of the Budget continued.

Mr. PRESIDENT: The House will now resume the general discussion of the Budget. I would appeal to the hon'ble members to conclude their speeches within 15 minutes. Government have very considerately allotted three days to the general discussion of the Budget which in effect places only six hours at the disposal of this House for the purpose. The Chair would have been only too glad to sit longer to enable the members to devote more time to the consideration of the Budget estimates. But as this chamber is to be utilised by both Houses by turns in course of the same day, the hon'ble members will realise that the Chair cannot be of much help to them in that direction.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, because of the shortness of time at my disposal and with a view to make room for the sitting of the Assembly, I had to hurry up yesterday and I could neither explain my points in details nor proceed with my speech in peace. But I fully appreciate your difficulties and am conscious of the fact that you are very much handicapped under the existing

arrangement of sitting of both the Houses in the same chamber. It is on this, amongst other grounds, that we are all along crying hoarse for a separate building of our own but ours is a cry in the wilderness.

Mr. RANAJIT PAL CHOUDHURY: 'You are not only crying yourself hoarse but are also crying in the wilderness because the Finance Minister is not present here.

Khan Sahib ABDUL HAMID CHOWDHURY: Shall I proceed, Sir, in the absence of the Hon'ble Finance Minister?

Mr. LALIT CHANDRA DAS: You can address yourself to the President.

Khan Sahib ABDUL HAMID CHOWDHURY: I am, however, grateful to you, Sir, that you have been pleased to allot a few minutes to me this evening.

Sir, I would refer to the question of jurisdiction between the districts of Mymensingh and Pabna. There is a vast tract of *Char* area consisting of several villages including Mir Kutia and others bounded on the West by the river Jumna and on the East by the district of Mymensingh.

For all practical purposes save and except collection of rent and cess, the vast area is nobody's land. The major portion of the area is *khas mahal* and the rest is private Zemindars' property. According to Government notification published in the official Gazette, the boundary between two districts is to be determined by the main channel of the river when a big navigable river intervenes, but in contravention of the terms of Government notification, this vast area has been included within the jurisdiction of the district of Pabna, though on the basis of the main stream of the river it falls within the jurisdiction of the district of Mymensingh. The present arrangement has given rise to a very unsatisfactory state of affairs. The poor people are not exempted from payment of cess but they do not get any benefit out of it. The reason is not far to seek. Because of the remoteness and isolated character of the area due to intervention of the big river, Pabna district cannot devote due attention towards welfare of the residents of that area, whereas the Mymensingh district is quite helpless as it falls beyond the jurisdiction of that district.

In respect of water-supply, it is treated as a forbidden area by the Pabna District Board. In the event of epidemic either amongst human beings or cattle, no medical aid becomes available from Pabna as none shows willingness to risk a tedious and sometimes perilous journey over a big river. In the event of any crime being committed there, no

police help can be expected from the other side of the river within three days of the occurrence, whereas the place is within easy reach of the Mymensingh Government and District Board officials. In this connection, I may incidentally mention here that I have been told by some local men that in respect of some unnatural death case, the dead body could not be finally disposed of for three days pending the arrival of the Police officer from the other side of the river. Under the existing arrangement in direct contravention of the Government policy, the plight of the litigant public can better be imagined than described and it is high time that by readjustment of the boundary between the two districts on the basis of the main channel of the rivers, genuine grievances of the public and inconvenience of administration should be removed.

As regards the much-talked of subsidy of Rs. 30,000 to the Calcutta Daily "Azad" which has created sensation in certain quarters of the journalistic world and in certain section of this House as well, I do not propose to discuss the merits of the question in detail. It may be said to the credit of the present Government that what was being possibly done secretly out of secret funds during the days of bureaucratic Government is being done now by the present Government under Provincial Autonomy openly and publicly.

I do not know and am not supposed to know, nor do I care to know the condition and circumstances leading to these obnoxious transactions. It is the look-out of the promoters and founders of the paper to consider if this acceptance of the subsidy will help circulation of the paper or affect it adversely. It is their look-out, Sir, if this "journalistic prostitution" will enhance the dignity and prestige of the paper or will bring it down in the estimation of the general public. What strikes me most is that if the system of payment of subsidy to private papers is continued, then what is the necessity of maintaining at a heavy cost the Government publicity department with a high-salaried officer at the top, and where is the justification of spending lots of money over the issue of the "Bengal Weekly" both in English and Bengali. I see no justification for this double expenditure. At any rate, I am not a believer in paper propaganda only unless based on the solid foundation of real work for ameliorating the condition of and increasing the prosperity of the country.

Sir, as my time is very short, I must not touch any other new point, but with your kind permission, Sir, I would simply recapitulate the points urged by me yesterday and this evening in the hope that the Hon'ble Finance Minister will reply to each of my points.

Mr. PRESIDENT: Order, order, is it necessary to give a resumé of all the points raised by you? It is the duty of the Government to take note of them.

Khan Sahib ABDUL HAMID CHOWDHURY: I propose to give simply an outline of my points, as I had to conclude my speech yesterday when every one in the House was tired and did not like to listen to further speeches. I shall not take more than two or three minutes.

My points are—

(1) Formation of a Standing Committee called "Finance Committee".

(2) Assembly Hall and Moslem Hostel for the Presidency College.

(3) A fair share of stipends and studentships for the Presidency College or reduction in the scale of tuition fees.

(4) A capital grant of Rs. 20,000 for opening B.Sc. classes in the A. M. College, Mymensingh, with effect from the next session.

(5) Suitable grant for the S. K. Hospital and Lytton Medical School, Mymensingh.

(6) Additional grant for primary education in Mymensingh where Education cess is being levied.

(7) Creation of new agency for realisation of the tenants' share of the Education cess.

(8) Deputation of Maulvi Habibuddin Ahmed, B.A., B.T., Special Sub-Inspector of Schools, Mymensingh, for training for six months with fixed allowance of Rs. 100 per month in addition to his pay. I make special mention of this officer, as he is the only candidate from the district of Mymensingh for such training and as he takes genuine interest in the cause of primary education.

(9) Readjustment of boundary between Mymensingh and Pabna on the basis of the main stream of the river Jumna.

Mr. KAMINI KUMAR DUTTA: Mr. President, Sir, the Hon'ble Finance Minister has framed and presented his third Budget and expounded it in his budget speech.

The Hon'ble Finance Minister has wide experience of and in-sight into the economic situation of the province of Bengal. But in the financial statement presented by him, there is nothing inspiring. It is nothing but a replica of the budgetary system under the old dispensation. His superior intellect appears to have been suppressed. The Hon'ble Minister has asked for the support of the Congress party and has argued that since its tenets are truth and non-violence and its objective mass amelioration, why should it not give its support to measures which do not run counter to its tenets and objective. But is the Budget directed to any scheme for the amelioration of the masses?

Does it provide for any comprehensive scheme of nation-building? We had looked forward to formulation of schemes designed to strengthen the life of our people, mentally, morally and materially. Instead, we find that the Budget exhibits rather a propensity for winning approbation from particular quarters. It is nothing but a catalogue of routine administrative expenditure. No special fund has been created for enabling nation-building programmes to be pursued smoothly and continuously without fear of the grants lapsing on a particular date. But all this would presuppose a carefully thought-out planning for mass uplift. Sir, from a careful study of the ponderous budget speech, the Finance Minister appears to me to have two minds,—one of which is keenly sensitive to the sorrows and sufferings of the poor, the unfortunate, the down-trodden and the "under-dog", while the other timidly turns away from the most natural forward move and becomes enmeshed in a series of profitless make-shifts. This timidity on the part of the Finance Minister explains why in spite of his awareness of the "tears of things" in this unhappy land of ours, he has been led to take an illogical unimaginative and *Banya* view of things. Sir, the Finance Minister has appealed to the members of the Upper House to give him their sympathy of "Superior appreciation" of the need for cautious and planned advance. We, in this House, are certainly most keenly conscious of our responsibilities and would be most happy to render unto Caesar what is Caesar's and unto people what is people's. But, Sir, if I confess my inability to congratulate the Finance Minister on his laborious Budget, it is not because we take a delight in criticism for criticism's sake but because we stand definitely for amelioration of the condition of the masses.

Sir, I have most carefully gone through the Finance Minister's statements but it seems to me that he has spent more time in finding out, with academic meticulousness, the internal and world causes of discrepancies between his original estimates and the actual figures and in elaborating the ethics of Public Finance than in pondering over the many-faced problem of hunger in our province. The problem of Bengal to-day, I feel, Sir, is not the problem of the Police or Jails, it is the problem of hunger, of starvation and semi-starvation which has been sapping the vitality of the province. The problem of Bengal, further, is a problem of the educated middle-classes who in spite of decent education do not know how to earn a living wage. The problem of Bengal is the problem of illiteracy and agricultural backwardness. These are inescapable problems; there is no means of getting round them. But the Hon'ble Finance Minister appears almost to have performed a feat for, he does not grapple with them at all. Sir, it was somewhat of a shock for me to see that the Hon'ble Finance Minister could not find space, in his unusually lengthy budget speech, for more than a line or two here and there, about the problems of

Agriculture whose claim must needs be paramount in a province where over 90 per cent. of the population depends on agriculture. This brings me to the subject of the various rural-uplift schemes which have claimed the attention of the Finance Minister and to which more than 15 lakhs of rupees summing up all heads have been assigned. In view of the stupendous magnitude of the problem, this allotment would, I have not the least doubt, be found to be pitifully inadequate. But what is more irritating in this connection is the fact that the major portion of this amount is proposed to be spent in meeting petty local wants, here and there, presumably with an eye to placate the supporters of the Ministry. It is evident, that the Finance Minister has no well-thought-out plan of rural reconstruction and that he has only been following a policy of drift. It will not be out of place, I hope, Sir, to refer the Finance Minister to a plan of rural reconstruction, conceived and unfolded in details, by one of the master minds of modern India: I mean, Sir, the late Deshbandhu Chittaranjan Das. It is needless for me to remind the Hon'ble Finance Minister who was one of the principal lieutenants of the late Deshbandhu, that that scheme did not fight shy of loans on a big scale to finance positive national reconstruction such as would bear fruit in a hundred ways to enrich the national life. Let me assure the Finance Minister that we, on this side of the House, have no objection on principle to loans if the expenditure out of such loans can be shown to have a definite and ascertainable relation to national well-being. Judged by that criterion, the Finance Minister's proposal to raise a loan of one crore next year, when by his own admission the Government will have enough assets and balances to cover a deficit of 87 lakhs, seems to me to be most indiscreet. Sir, the Finance Minister has sought to defend his borrowing by means of economic sophistry but the plain fact remains that the people will have to pay a good sum as interest on the money that will lie idle for a whole year. The Finance Minister of Bengal may have sought to re-insure his finances by this means against possible threats of war or other catastrophes; but for the poor peasantry of Bengal it will certainly mean a costly luxury. We agree that additional revenue may be necessary for any development proposal. The sister province of Bihar proposes to borrow 2½ crores for a comprehensive electrification project as they seem to have realised that for industrial development of a country as well as for agricultural improvements supply of cheap power is indispensable.

Next, we come to the Budget provision under the head "Education", which also suffers from the same policy of drift. We know that the Education budget has been expanded, but the extension is directed to achieve political purposes rather than the real interest of education. The masses do not come in this at all. There is no attempt to boldly tackle the problem of primary education which is undoubtedly

far more urgent than any other problem. In this connection, I cannot help pointing out that several budgetary provisions under this head bear on the face of them the stamp of party pressure The Finance Minister seems to have forgotten that to his care are committed not one particular community alone but several communities which go to make up the total population of Bengal.

Sir, so far as the problem of primary education is concerned, the Finance Minister has almost raised a spectre by saying in effect that a minimum sum of Rs. 4½ crores would have to be found before a four-year course on a province-wide scale could be started. We do not dispute the figures but we challenge the basic assumption that eradication of illiteracy should mean nothing more than a fraction of the so-called education now retailed through our secondary schools. It is sheer want of imagination to suppose that tables and chairs and teachers in sufficient numbers can provide the kind of training that the masses require most in Bengal. The Government seems to be unaware of the latest advances in the technique of imparting to the masses, besides a knowledge of the three R's, useful information about history, geography, elements of civics and also the trend of social and economic progress all the world over, through open-air classes with the help of cinema radio, etc. It seems to be strange to me that even in the year 1939, a so-called popular Government is disposed to look at the problem of illiteracy as concerning only children between the ages of 6 and 10 years and not as a problem concerning the entire village including both adults and children. I venture to think that it is not by the number of literate persons shown in the census record that the success or otherwise of the drive against illiteracy should be judged but by the spirit of enterprise, economic alertness and political consciousness that may be generated among the masses. Our sister province of Bihar has provided under the head "Education" increased expenditure of about 1½ lakhs for giving a filip to the mass literacy movement. They have a scheme for starting a library for every five villages in the province as a means of preventing lapse into illiteracy of those who leave school at or after finishing the primary stage and for maintaining intellectual contact of the villages with the world outside. Sir, even accepting the Finance Minister's view that primary education is to be imparted only through schools of the familiar type and that the imposition of an Education cess would be absolutely necessary to raise the wherewithal for that, it seems to be curious logic that because some advanced countries impart eight years' training, we should not make a beginning at least on the basis of a two years' course.

The most unwelcome feature of an otherwise dopleful budget, however, consists in the proposal for the levy of an ungraduated tax of Rs. 30 per annum on professions, trades, employments and callings.

New taxes have been proposed to be levied, but the Hon'ble Finance Minister does not consider it necessary to put forward any scheme to justify the taxes. Having regard to the limitations imposed by the constitution, we are prepared to concede that it is impossible to take in hand any large nation-building scheme without taxation. But when there is no such scheme, taxation is unjustified. Nobody would mind the imposition of new taxes provided they are necessary and equitable—and they are accompanied by planned economy in the over-head administrative cost. Evidently, the burden of this tax will fall mainly on the middle-classes, the doctors and lawyers. The middle classes of Bengal are already very hard hit by the operation of the Bengal Agricultural Debtors Act and other causes. Sir, the Finance Minister has waxed eloquent over the obligations of wealth and exhorted the more well-to-do to give up a part of their income in the shape of taxes for amelioration of the masses. It all sounds nice, but are the middle-classes, who are finding it well-nigh impossible to make both ends meet, the proper persons to be taxed now?

In this connection, it is rather distressing to find that the Finance Minister has allowed himself to be deterred by imaginary legal difficulties from taking the obviously reasonable step of imposing a graduated tax with a view to squeeze out more from those who can well afford to pay more. Instead of fleecing the already hard-hit middle-classes, the Finance Minister could have more easily turned his attention to the yet untapped source of revenue, namely, a tax on agricultural incomes, or sales tax on selected commodities as proposed in Bombay. A tax on sale of some commodities produced on a large scale by modern machineries would not affect the industry. Limiting the profits would be for the ultimate good of the industry itself. It would be preventing exploitation of the many for the benefit of the few. That would provide an alternative to war against capital.

Sir, in casting about for new sources of revenue, the Finance Minister has been quick enough to fix his eyes upon dog-racing which is one of the newest additions to the diversions of the Metropolis. We have no objection to taxes on betting. Indeed, we would be most happy to see organised betting and gambling of all kinds taxed out of existence. The most natural thought that comes to one's mind in this connection, Sir, is why tax dog-racing alone? Why is not a higher betting tax imposed on horse-racing. Is it because the latter variety is patronised by exalted personages that the Finance Minister shrinks from touching this prolific source of revenue? Or is it one more illustration of the callousness of the Government to positive menaces that are destroying the health and happiness of countless poor homes? Nothing better could be expected from a government which seeks to silence even the mildest voice in favour of a limited prohibition with threats of further taxation. It appears that the Government of

Bengal does not view with complacence the prospect of a reduction of Excise revenue consequent upon the idea of prohibition gaining in strength among the people. As a rejoinder to this commonplace argument, I may refer the Finance Minister to the recent budget of the Bombay Government where they have sought to reimburse themselves for the loss of Excise revenue by the imposition of suitable taxes upon those parties who benefit by the growth of habits of temperance among peasants and workers.

Apropos expenditure on Police and Jails, the Finance Minister has referred to detenus. We welcome the small reduction in the expenditure on this head which the Government's policy makes possible in the next budget. But it is to be regretted that the Finance Minister has allowed himself to be a victim of the manoeuvres of the Police and Intelligence Department and has felt no hesitation in making a statement which manifestly aims at raising the bogey of another subversive movement, namely, Communism. It appears to me to be the now-too-familiar ruse of the Police Department raising a scare in the country with a view to make their existence justified in the eyes of the Powers that be. Woe be to the day when policemen and sergeants become political philosophers! Sir, there is much concern shown for the mass, but those who work for the masses and try to rouse their political consciousness are dubbed as communists and their activity is sought to be curbed on the plea of subversive character. One is tempted to think that, danger, if any, lies in communism coming as an antidote to communalism. The United Provinces Government are reported to be considering a number of schemes for the relief of the educated unemployed of the province. It is proposed that they should be given subsidies to start poultry-farming, fruit-growing and small scale industries and funds may be raised from the public also for supplementing Government resources. Government there is already giving subsidies to young men taking to industrial careers.

Sir, I have almost finished. The Finance Minister appealed to all his countrymen to sink their party differences and make a collective assault on the accumulated obstacles of centuries which block our path to the cherished goal. We, on this side of the House, are ready to co-operative with anybody if only we are sure that our joint efforts will be directed towards the ending of poverty and other obstacles to the freedom of our common Mother-land whom we all love and serve. On no other basis can there be any co-operation.

Mr. J. McFARLANE: Mr. President, Sir, on behalf of the European Party in this House, I desire to congratulate the Finance Minister on producing once again a budget we can find so little to criticise in.

Whilst it is the case that approximately one-third of the province's income is to be devoted to Education, Public Health, and other nation-building schemes, we are glad to see that Mr. Sarker has not devised any spectacular but unsound edifice such as might meet the ideas of those impatient people who forget that Rome was not built in a day. At the same time, I hope it will be found possible during the coming year to spend the full amounts allocated to the various departments and that at the end of the year, we shall not find that considerable savings have been made under certain headings, as will happen this year.

With regard to the fresh taxation it is proposed to introduce—in this respect so far, at any rate, we seem to be luckier than some other provinces—I foresee that the tax on professions, trades, callings, and employment will cause some hardship to those in the lowest income-tax scale. On the face of things, surely it is all wrong that a man earning Rs. 2,000 a year should have to pay the same as a man earning Rs. 2,000 a month. Possibly, it could be arranged to ease the burden on those who just come within the scope of the Income-Tax Act.

Mr. Sarker tells us that he proposes to float a loan of Rs. 1 crore and in the circumstances explained by him, we do not question the wisdom of his doing so, nor do we doubt the success which will attend the issue.

I had no intention of intervening at any length in this debate, but I merely wished to make it clear to the House that this group supports the Finance Minister in his Budget and that it does not sympathise with the critical attitude which has been adopted by certain members in these discussions.

Mr. HUMAYUN KABIR: I think I cannot do better than take my cue from the speech of the hon'ble member who has just sat down and I think no greater condemnation of the Budget can be produced than the speech he has just concluded. For the two points which he has made in criticising the Budget, coming as it does from a member of the European party, is more damaging to the Budget than the remarks of those who attack it more vehemently. He has expressed the hope that there may not be again the same unspent balance as was the case in the current year. Sir, what better comment can there be of the increasing inefficiency and incapacity of the Government than this? If they fail to make disbursements in the proper year, I mean, to use funds, which they have appropriated for a particular purpose, of what good are they? What better evidence can there be of the fact that this Government is unable to plan and even to execute any plan which they may have hastily sketched out? What more telling

criticism of the inability and inefficiency of Government can there be than the speech coming from a member who started with the explicit purpose of congratulating the Finance Minister on his excellently-produced Budget? Again, the hon'ble member who has just sat down remarked that in the present Budget, there is no spectacular proposal. Sir, what more telling condemnation can there be of the speech delivered by the Finance Minister himself than this remark made by the member who has just sat down? The Finance Minister tells us that there is an emergency, that people are starving, that mass illiteracy must be solved, that all the resources of the province must be pooled together, that parties should forget and sink their differences, and together we must try to lift Bengal out of the morass into which she has fallen. The hon'ble member who has just sat down and who congratulated the Finance Minister observed that there was nothing spectacular, nothing imaginative, nothing constructive in the Budget presented by the Finance Minister.

I take another suggestion made by an hon'ble member this afternoon, that the Hon'ble Finance Minister had at one time shown capacity for enterprise and daring, but to-day he seems crushed under the burden of responsibilities which have been placed upon him. And it seems to me, Sir, that this burden has proved too onerous for him. That is why, instead of giving a bold lead to the province and instead of planning a policy on a generous scale, he has given us a pedestrian budget, an unimaginative budget and has frittered away the resources of the province and tinkered with the problems that face us to-day. If the problems are to be solved they must be faced boldly and radically; mere tinkering here and there will not do, but a profound alteration in the social structure of Bengal must be attempted.

It is not without a certain amount of amusement that I read the remark of the Hon'ble Finance Minister towards the end of the speech which he delivered here, where he tried to shut out this House from expressing any enthusiasm or any voice in the shaping of the policy of this province, by saying that we are not the representatives of the people. He says that it is not unlikely that in their natural anxiety for quick results the people's representatives in the Lower House may on occasion seek to get through measures in a hurry. Sir, we are supposed to be a House of Elders, and this House of Elders, has in his opinion lost the energy and enthusiasm of youth. We are expected to serve merely as a clog upon the attempts of the Lower House to ameliorate the condition of the province. But, Sir, I do not admit that there is any justification for the Hon'ble Finance Minister having such an opinion of us. I do not say that his Budget is not a competent Budget, so far as it goes, I agree that it is a competent Budget, but I should like to say that it is not a Statesman's Budget but a Bankers' Budget. In spite of the protests and professions of the

Hon'ble Finance Minister, his Budget is not made by one who is conscious of a state of emergency in the province, whose heart is touched by the sufferings of the people and who wants their condition to be ameliorated. Looked at from such a point of view, the present Budget is a hopeless failure.

Sir, I propose now to make certain definite comments with regard to some points in the Budget. The first thing which strikes me in the Budget is the rise in the revenue in the Excise Department. This is a very disturbing feature. Government have been telling us that they want to introduce prohibition in Bengal. They have also been telling us that as a matter of fact prohibition has actually been introduced in the district of Noakhali. But if the results are an increase in the Excise revenue, then it is a rather incongruous statement for Government to make. From year to year our Excise revenue has been increasing. In the year 1935, it was 1 crore and 33 lakhs. In 1936, it was 1 crore 36 lakhs; in 1937 it was 1 crore 54 lakhs; in the Budget estimates for 1938-39, it was 1 crore 50 lakhs. in the revised Budget estimate it increased to one crore and 57 lakhs and this year it is 1 crore 57 lakhs. Sir, I fail to understand how in the course of five years, there should be such an increase unless the Government follow a policy of increasing consumption. It has increased by 24 lakhs in the course of four years, and if this is the result of the prohibition that this Government can give us, then, Sir, the less that is said about it, the better for all concerned.

Again, Sir, the Finance Minister has suggested the imposition of certain new taxes in order to finance nation-building departments. I shall later come to the question whether there are any proposals for nation-building departments in the Budget which has been presented to us, but if income is to be had, why should everyone pay tax in the same manner as has been suggested in the proposals of the Finance Minister? Here I find myself completely in agreement with the remarks made by the hon'ble member who spoke just before me. It is surely iniquitous to levy the same tax upon a person who draws Rs. 2,000 a year and upon a person who draws Rs. 2,000 a month. The argument stressed by the Finance Minister is that it may otherwise come under the mischief of the Government of India Act, 1935. It is contended that if the tax is not graduated, it may be objected to by the Government of India. This is only an apprehension on the part of the Finance Minister and is not I think enough to justify the imposition of such a poll-tax. Without levying tax directly on income of a particular incumbent, graduation may be done in such a way that it will not come under the mischief of the income-tax. In this way, a smaller amount of tax wil ke levied on those who are in the lower scales of income and more can be realized from those who are capable of paying a higher tax.

Again, the Finance Minister has only flirted with the idea of agricultural income-tax, but I fail to see why he has not taken courage from what has been done in other provinces of India. I might point out to him——

The Hon'ble Mr. NALINI RANJAN SARKER: Province, not provinces. A professor is expected to speak on facts.

Mr. HUMAYUN KABIR: Bihar has certainly introduced the agricultural income-tax.

It was suggested in this House some two years ago that agricultural income-tax should be introduced in Bengal. It is often complained that members on this side of the House never offer any suggestion and that they only criticise the Budget. Suggestions have been thrown to him, and if he is not capable of taking advantage of these suggestions, I am afraid that the members of the Opposition cannot help it. He has also received suggestions about a tax on the turnover of jute products in this province. There are other ways and avenues of realising money from those who are capable of paying, but unfortunately the Finance Minister has not shown any desire of taxing those, but has fallen back upon the most obvious method which in many cases involve hardship upon those who are unable to bear such hardships.

Again, Sir, I might refer to the Bengal Jute Ordinance, 1938, the conditions under which it was introduced and withdrawn and the way in which the Legislature was hoodwinked. For, if the Government did not know that a crisis was impending in the jute industry only two weeks before the Legislature was prorogued, one cannot admire their intelligence and efficiency. If on the other hand, they knew that a crisis was impending, what justification was there for proroguing the Houses of Legislature and then suddenly springing the Ordinance upon the astonished people of the province? With regard to other remarks which have been made in connection with the Jute Ordinance, I do not propose to make any comments, but this I would say. The way in which the Jute Ordinance was promulgated and the way in which it was withdrawn are equally mysterious and amazing and will probably bear a lot of scrutiny.

Sir, I then come to the question of increases in the cost of administration. The Finance Minister has been telling us in his speeches that democracy is expensive and that new services have to be paid for. We have also been told that the two Houses of Legislature involve increased charges upon the revenues of the province. But if we look at the Civil Secretariat Department, the amount of increase in it is out of all proportion to the amount of service that these increases are supposed to justify. In 1935-36 the Civil Secretariat cost a little over 13 lakhs; in 1936-37 this was reduced, and the expenditure was less than 13

lakhs; in 1937-38 it was over 18 lakhs; in the Budget for 1938-39 it was almost 21 lakhs, but in the revised estimate it has exceeded 21 lakhs, it is almost 21½ lakhs; and in the present Budget estimate it is 22 lakhs 31 thousand.

Similarly, in the case of General Administration also, the increase is significant. In 1935 the total charges under General Administration were 1 crore 29 lakhs; in 1936-37, it was about 1 crore 34 lakhs; in 1937-38 over one crore 49 lakhs; in the revised estimate of 1938-39, 1 crore 47 lakhs and in the Budget estimates for this year it is over one crore 58 lakhs. In this way, in the course of hardly five years, about 30 lakhs of rupees have been added to the charges of administration, and I do not think that the Finance Minister can say that the whole of the amount is due to the cost of the two Houses of the Legislature.

Well, Sir, my hon'ble friend Khan Sahib Abdul Hamid Chowdhury has referred to the "Azad" in a way to which I do not want to add any further remarks. But I will only reiterate what he has said with regard to the justification or otherwise of patronising papers by Government subsidy or to the utility of having additional publications by the Government itself when it is subsidizing papers so heavily as this. What the conditions are under which this grant is to be made, what the purposes are for which this grant is necessary, what the objects are for which the money will be utilized are questions which I would ask the Hon'ble Finance Minister to answer to his conscience. We do not expect any answer to this question, but if he is satisfied that it is a justified expenditure and if to his own conscience he can justify a grant to a private individual whose past, if I may say so, is rather shady, and if grants to private individuals in this way are justified, well, we have no quarrel with him. But I would say that he has no right to waste the finances of the province, he has no right to give away something which is not his own. Also there is the point that if subsidies are to be given in this way to particular papers, what is the point in having a Publicity Department as asked by Khan Sahib Abdul Hamid Chowdhury? What is the point in publishing two weeklies which I may tell the Hon'ble Finance Minister, are being looked the paper is sent may look at it. Sir, has this Government any justification for wasting the public money in this way?

Sir, I will not go into details about the administration of the Police or increase in the cost of the administration of other departments. But I will say a few words about primary education. Before I take that up, I would like to draw the attention of the Hon'ble Finance Minister to the extremely inadequate provision made for adult education in his present Budget. We are told that 13 thousand rupees have been provided for adult education. If the Finance Minister thinks that 13 thousand rupees are enough to provide adult education in this

province, or even to make a decent start, well, he is, I will say, optimistic. In a province like Bengal, where mass illiteracy is almost universal, it is surely over-optimistic to expect that 13 thousand will go any length in liquidating that illiteracy. In the education grant, 12 lakhs of rupees marks the increase over the revised estimates for the year 1938-39. 12 lakhs more are to be spent for education, but out of this increase, only 13 thousand were thought fit to be devoted for the purposes of adult education!

This also brings me to a general feature which one finds throughout the Budget. Throughout the Budget, grants have been made to those who do not need it so much, but have not been made to those who require them. It is the colleges in Calcutta, which have been given greater help than the colleges in the mofussil. It is the hospitals in Calcutta that have received more grants than those in the mofussil; it is the Sadar hospitals which have been given more help, while provision for medical facilities in the rural areas is woefully inadequate. Here, I think Government have definitely failed in providing any adequate scheme for bringing medical relief within the reach of persons living in the rural areas of Bengal. Sir, I will take only one figure in regard to Public Health. For anti-malaria scheme last year provision was made for 2,20,000, but out of this provision only 67,000 could be utilized. Are we to understand that malaria has vanished from Bengal, or are we to find here one more example of the incompetency, or perhaps worse, of the Government. Rupees 2,20,000 is little enough in dealing with the malaria problem in Bengal and yet even out of this 2,20,000, only 67,000 could be spent by this Government. The rest is an instance of unspent balance to which my honourable friend from the European group has referred.

Now, Sir, I come to the question of primary education. This year the provision for primary education is only about a lakh more than that of last year. In the year 1937 about 27 lakhs were provided for primary education. In the Budget for 1938, this was raised to 32 lakhs, *i.e.*, a rise of 5 lakhs, and this year the Budget provides for 33·4 lakhs, only an increase of one lakh. Yet we are told by the Hon'ble Finance Minister that 4½ crores are required in order to give primary education to the province of Bengal as a whole. I for one cannot accept the figures suggested by the Hon'ble Finance Minister, and I am myself convinced that primary education could be tackled in Bengal within 2½ crores. A recurring expenditure of 2½ crores a year is quite adequate to meet the cost of primary education in Bengal. I shall give him some figures which might lead him to correct the estimate which he has placed. He has provided for roughly 40 lakhs of pupils in Bengal of the ages between 6 and 9 and he estimates that on the basis of three-teacher schools for 90 boys, this will involve an expenditure of 4½ crores of rupees. I think these

figures are wrong. Because the figure he has given, that is Rs. 12 per child is not necessary in the conditions in which we find ourselves in Bengal to-day. In a village, Rs. 15 for a school teacher is often enough. I think the Hon'ble Finance Minister cannot deny that Rs. 15 in a village is equal to Rs. 30 in a town. If we pay Rs. 30 in a town, we can get quite qualified graduate teachers. Thus, if we are prepared to pay Rs. 15, if we have two school teachers for every 50 students, a teacher on Rs. 15 and the other getting Rs. 10, that makes Rs. 25 per school, in that case the cost per child comes to something like Rs. 6 per annum. At this rate for 40 lakhs of pupils, it will come to 2·40 crores a little less than Rs. 2½ crores. One can economise even further, by having three-teacher schools on Rs. 15+10+10 for schools with 90 children. In that case the cost per pupil will be less than Rs. 5 per year and in that case also the cost will be about 2 crores and not 4½ crores as has been suggested by the Finance Minister. I am sure nobody will for a moment deny that if you spend 4½ crores, the result will be better than if you spend 2½ crores. As the Hon'ble Chief Minister has declared, we must cut our coat according to our cloth. We must not first choose upon the particular style of coat and then say we have not got sufficient cloth, and therefore we cannot have the coat at all.

We cannot quite follow the suggestion of the Finance Minister that without education cess there can be no primary education. To my mind that is a case of trying to defraud the country, because we know that in the present economic condition of the country, Education cess is impossible. Therefore to say that "no education without Education cess" really implies that they are not prepared to give education to the masses of the province. They are postponing the evil day, if I may say so, because if there is proper education in the province, if there is quicker political consciousness among the people of our province, many persons who are to-day able to exploit the sentiments of the people, many persons who are able to exploit the prejudices and superstition of the people, will not perhaps find themselves in the position in which they now are. Therefore it is not surprising that this Government is trying in every way, directly or indirectly, to postpone the evil day when primary education may be universally effected throughout the whole of Bengal.

I do not propose to take very much more time of the House, but I would conclude by repeating what I have said earlier. So far as the mere statement of the financial position of the province goes, so far as merely carrying on of the administration goes, there is nothing much to quarrel about in the Budget. It is quite competent from that point of view. But we do not want a merely competent Budget from the Finance Minister, particularly in view of the emergency to which he has referred time and again, and what has surprised me most in the

Budget is the divergence between the professions of the Finance Minister and his practice. He has professed infinite sympathy with the "man behind the plough" and with the down-trodden masses, he has talked of economic justice, he has talked of a state of emergency, in which he has advised different sections to unite their resources and stand shoulder to shoulder and pull Bengal out of the morass in which she has fallen. But, Sir, in the Budget as presented, there is no sign of planning and money is simply frittered away in a hundred and one odd schemes. A little grant is given here and there, and very often the suspicion comes in that such grants are made, not because the scheme merits such a grant, but probably because they are intended in the interests of certain persons who have to be satisfied so that the discontent of a particular group of persons or individuals may not be allowed to go beyond a certain limit. It is the lack of planning which is the most striking feature of the Budget that has been presented to us.

As another instance of haphazard methods, I want to mention before this House the appointment of a large number of special committees sometime before the no-confidence motions were moved during the last session of the Bengal Legislative Assembly. In one day or I think in two days, copies of Extraordinary Gazette after Extraordinary Gazette appeared as if out of nowhere! Sir, the Finance Minister, is always fond of talking of Alladin's lamp, he is always saying that he cannot produce rabbits out of his hat! But at that time Government were really producing rabbits out of their hats! Every morning, every noon, every afternoon new committees were appointed and appeared on the scene—committees very often without any definite line of action, without any definite scheme to work upon and without any definite programme. If in one day Government could find it possible to plan out so many committees, why does not Government divert some of this energy and resources towards framing a plan for the province as a whole over long-term schemes?

Finally, Sir, I would conclude by saying that it seems to me that the loan which the Finance Minister proposes to float is not justified even on the ground which he has himself stated. If there is a state of emergency, why should public money be wanted upon buildings at this time? Why should we waste as much as 24 lakhs which is the figure for Civil Works? Why could not these buildings be posponed for a more favourable day? Why must they be taken up when there is a state of emergency? If a loan has to be taken, many of those schemes could wait; the enormous expenditure budgeted for Civil Works of the type projected could easily wait.

Now, Sir, I have done. I would conclude by repeating what has been said by hon'ble members on this side of the House. If there

were proper plans, industrial plans for the whole of Bengal, plans which we, from this side of the House, have on many occasions suggested to the Finance Minister, then we would extend full co-operation to Government. I may repeat that there are certain industries in which Bengal has natural advantages,—industries like cotton-spinning, heavy chemical industries, and industries like jute. If Government are prepared to undertake any of these industries on a large scale, if, they want to take up any scheme which will do real good to the province, then there would be no harm in raising a loan. But to raise a loan to meet the current expenditure of Government and at the same time to inflate the Budget by including expenditure on Civil Works and other unnecessary projects which could wait—seems to be economically unjustifiable.

I now close by repeating the appeal which the Finance Minister himself has thrown out to us. We are always ready to co-operate with Government, if only we are assured that this desire of co-operation is not merely verbal or word of mouth alone. If the desire is one meant to be translated into action, they will get our co-operation. Time and again we have offered our co-operation to the Cabinet, but that co-operation will always be on certain definite terms. It may be stated that our terms were not accepted by the Cabinet as a whole, but when the Chief Minister comes and makes his statement, we naturally think that he is speaking on behalf of the Cabinet, that it is the voice of the Cabinet. The terms we offered were published in the newspapers and even then there was no contradiction from the side of the Government as a whole, and yet these terms were not honoured. I, therefore, say that if Government want our co-operation, they must first prove that they deserve it.

Mr. NUR AHMED: Mr. President, Sir, I am sorry I cannot congratulate the Finance Minister on his presentation of the Budget this year, with that fullness of heart which I did last year. Of course, I am conscious that this Budget has been prepared under circumstances of great difficulties over which the Finance Minister had no control. I am afraid, Sir, that the high hopes that were raised by his Budget speech of the year before and the spirit of buoyancy which formed its key-note does not run the whole gamut of his Budget speech of this year. There is something halting in it and it appears that something has happened which has prevented the Finance Minister from making his Budget on that high plane. Of course, I do not offer indiscriminate criticism. I made some suggestions last year for consideration by the Cabinet, but they do not find a place in the Budget. The first thing that strikes us most is that there is no comprehensive scheme, no larger grant for primary education, and in

the note appended to the printed speech of the Finance Minister, no hopes have been given of a scheme for compulsory primary education throughout the whole province. In his first speech he held out high hopes that Government was going to initiate a comprehensive scheme but that the cost stood in the way. The statement shows that the Government of Bengal is moving the Government of India for necessary funds and there is no knowing when the Government of India could be persuaded to agree to the new taxation which will be available for the Government of Bengal, for providing necessary funds for introducing the much-needed primary education in this province. It appears that the Government is fully aware of the primary importance of primary education, and it has been admitted by the Finance Minister in more than one speech that this is a task of outstanding importance. But in spite of all that, I find on a comparison of the figures from the Budget of 1934-35 that there has been an increase of about 27 lakhs under head "Education", but out of that sum of 27 lakhs, 10 lakhs has been added to the cost of the University education, 9 lakhs to the cost of the secondary education, and only 8 lakhs has been added for primary education. From this it appears that Bengal is spending the highest amount on higher education and practically primary education is starved in consequence. Apart from that, expenditure on education in Bengal is the lowest as compared with that of other provinces. It appears that on an average, Madras spends 1 crore 91 lakhs for primary education, Bombay 1 crore 40 lakhs, the Punjab 89 lakhs, and Bengal on an average 62 to 64 lakhs a year, including receipts from private sources, so that the Government's average expenditure comes to only 27 or 28 lakhs. This is a drop in the ocean! And what has been the result? The result has been very disastrous to the province of Bengal. Bengal which once led the intellectual life in India and which was once the foremost in the field of education, has now fallen into a state of degradation. Out of five crores of Bengal's population, only half a crore is literate, according to the last Census of 1931. This is a state of things over which no patriotic Indian who loves his own country will look askance. Sir, what is the cause of such an awful state—the reason is no doubt the low expenditure on primary education. There is another factor, Sir, which has contributed to this state of things, and that is the prevalence of one-teacher schools in the province. Out of 44 thousand primary schools in Bengal for boys, about 22 thousand primary schools are one-teacher schools, and out of 16 thousand primary schools for girls, about 14 thousand are one-teacher schools. It is the opinion of experts and it has also been proved beyond doubt that boys and girls who read in these schools do not obtain literacy, and they are taken away before they reach an advanced stage. So that the money spent on these schools is simply a waste and much human material is also wasted. What is the number of the boys and girls reading in

these schools? In these 22 thousand schools about 7 lakhs boys and about 5 lakhs girls read in the one-teacher school. And I ask the Finance Minister as well as the responsible Cabinet if they can countenance the continuance of this state of things for ever? Sir, have they done anything to improve these schools, when there is no certainty about the introduction of universal free primary education? In the meantime, if sufficient money were allotted for improving these schools, I think they would have done good work instead of increasing the grant on higher education to the starvation of primary education.

Then there is another aspect still,—namely, the aspect of the removal of mass illiteracy,—on which subject only 14 thousand has been set apart. Sir, comparison is a very bad thing, and I do not like to compare the Government of Bengal's doings in this matter with those of other provinces. But, Sir, a hope was held before us that a scheme of propaganda for voluntary primary education must be initiated, but we find no indication of it in the present Budget. There is no increase in the grant for the removal of mass illiteracy and the establishment of village libraries. In another aspect of village life also, that is, as regards providing for medical relief, I find that the Budget is also wanting in that respect. The grant which was initiated last year has been discontinued, *i.e.*, the grant for establishment of dispensaries in villages. I do not know what induced the present Government to discontinue this grant.

I do not find any mention of prohibition a scheme relating to which has been adopted by Government. There is no mention whether the experiment which was made in Noakhali would be continued in other districts. That presents a sad contrast with the activities of other provinces.

Coming to the other aspect, that is providing cheap facility for the removal of indebtedness of the peasantry, of which much was said in the speech of the Hon'ble Minister, I do not find any adequate grant to the Agricultural Banks or additional grant for establishment of more Land Mortgage Banks in Bengal. Of course, I am conscious of the fact that committees after committees have been set for investigation and submission of reports regarding the various matters affecting the public life of Bengal. With all respect, I must admit that I have no faith in these committees, and my humble opinion is this, that when Government want to shelve a thing it forms a committee, and in this connection I can cite the example of Moslem Educational Advisory Committee. Though that committee was appointed in 1931, it submitted its report in 1934; but up to this time, 1939, no decision of the Government was published in spite of insistent demands. So, personally speaking, I have no faith in committees. If there is a determined effort and if there is concerted action, I think Government can do something, of course, with the support and co-operation of the people.

There is another matter in the Budget discussion which should be avoided as much as possible: but my friend Khan Sahib Abdul Hamid Chowdhury has set an example before us and I am tempted to follow that example, that is want of accommodation in the Chittagong College. The people of Chittagong are agitating for the extension of that college. No fund has been provided for that and there is a very great necessity for an I.A. college for girls in Chittagong. No fund has been provided for that also.

With these few words, I would suggest to the Hon'ble Minister is that this Budget though presentable, it cannot be said to be satisfactory on all points.

Mr. RANAJIT PAL CHOUDHURY: Sir, this year the Budget has been quite a tame performance full of dull platitudes, useless generalisations and fruitless homilies bearing the old bureaucratic impression ill-be-fitting a democratic Finance Minister. Judging from the previous speakers of the other sections it is still a thankless outcome.

Sir, the Finance Minister has chosen to be over-cautious in his statements and has advisedly avoided large promises and big assurances this year. But, Sir, it is no compliment to the financial head of the province with all the Government resources at his command if he fails to anticipate the economic set-back which even the man in the street could have prophesied. It is simply crying over spilt milk now to attribute all the fluctuations to domestic and international complications, because those factors were present from before, when last year's Budget was prepared.

Sir, the proposals for fresh taxations cannot find favour with us when there is this economic distress all round staring us in the face. Such a resolution on the part of the Government at such a time is wholly inopportune and irrational and needs to be whole-heartedly opposed. There are already numerous direct and indirect taxes in Bengal and some very galling in their incidence. Sir, funds have to be realised from the top-heavy administrative charges and by rational adjustment of our income and expenditure.

Retrenchment of pay and curtailment of the scales in the lower grades will hardly solve the difficulties. What we have got to do is to abolish some of the fat-salaried posts, sinecure berths, posts of experts existing in name only and cutting down expenses on heads of Law, Order and Justice to keep pace with our necessary expenses and by rapidly provincialising the services and also by giving full effect to the recommendation of the various Retrenchment Committees. The posts of the Divisional Commissioners, Inspector-Generals of Registration and Excise, Members of the Board of Revenue, some of the District and even High Court Judges could well be abolished without any

prejudice to public service, specially when the Finance Minister admits that there has been a dearth in litigations and a fall of revenue on that head.

Sir, there will be no necessity for levying the new taxations on trades and professions if half of the grant allotted for police buildings and the other half from the capital grants allotted to the different higher educational institutions and newspapers are held up this year in the exigency of the financial situation. If I remember aright, only very recently the Premier in a statement while opening the Press Office at the Writers' Buildings assured the public that it is not the policy of the Government to subsidise any newspapers. In this way the Finance Minister will be able to come by 6 or 7 lakhs which he expects to realise from the taxation measures on trades and professions.

Sir, it is universally appreciated that the taxation on dog-racing has been introduced and I am sure it will be whole-heartedly supported by everyone in this House, but taxations on professions and callings are condemned by each and everyone.

Sir, I want to invite the attention of the Finance Minister to the article in the current number of the "Modern Review" disclosing the most unsatisfactory state of affairs in the Royal Asiatic Society of Bengal as regards its manipulation of public funds before any amount is in future granted to that body from our provincial resources. Sir, we have some vague statements about our commitment on some special committees and special officers. But before we can bless them we would have liked to be told how much they have already cost us, how much they will still cost us and what quality and quantity has been turned out by them.

The Floud Commission has failed to evoke the stir and admiration that was expected of it. Let us wait and see what are its ultimate achievements for all the monies spent on it.

Sir, the allotments for agricultural improvement, village reconstruction, medical relief, primary education and such like vital needs of the masses have been extremely meagre. By cutting off some of the expenses in unimportant departments and avoiding duplication of studies in the two Universities, some funds could have been saved to feed primary education and medical relief.

Travelling dispensaries in motor cars and boats should be started to move about from village to village, as in Bihar.

Sir, it pains me to find that no provision has been made for the wide-spread physical culture and education of our boys and girls in this province although it has been a crying necessity of the hour.

The expenditure on the Police head has been curtailed only to find it being expended by the Criminal Investigation Department. A soothing eye-wash!!

Sir, in conclusion I have to say that it is the prime duty of a Finance Minister to guide the policy of a Government on sound financial lines only, without seeking to create opportunities to catch votes against any eventualities.

Rai SATIS CHANDRA MUKHERJI Bahadur: Sir, I am thankful to the Hon'ble Finance Minister for making larger provisions under certain heads of the Budget. I do not propose to speak generally on the entire matter, but I shall confine myself to certain features of the Budget.

Sir, the first thing that I shall like to refer to is the Education Budget. Sir, if one refers to the Hon'ble Finance Minister's speech delivered in the Lower House, at pages 22 and 23, it will appear that the Government has felt that there are other communities in the province who also require help in the matter of education. The Hon'ble Finance Minister said in his speech that he has made an additional provision of 1 lakh for awarding scholarships to deserving students. Out of this, 60 thousand will be earmarked for Muslim students, 20 thousand for scheduled caste students and 20 thousand for others. It has been prefaced by another remark that there are other persons in the society who do not come within the category of scheduled castes, but they are very near that. But I venture to think and submit that the cost of education recently has risen so much in the province that it is becoming increasingly difficult for all classes of people in the province to get their boys educated, and I would appeal to the Hon'ble Finance Minister to consider this aspect and to provide more money for the communities who do not come within the communities provided for in the Budget.

Sir, another thing to which I would draw the attention of the House is the inadequate provision for Sanskrit *tols*. An additional sum of Rs. 10,000 for Sanskrit *tols* is a drop in the ocean. It is impossible to foster Sanskrit education and to help the Pundits in *tols* and their work by giving small doles from this 10,000, and I would ask the Government to consider this matter.

Sir, another thing to which I also like to draw attention is the provision made for training of students in agriculture and the scholarships for technical and industrial education. Sir, for agricultural training a sum of Rs. 14 thousand has been provided as scholarships, and 10 thousand by way of scholarships for technical and industrial training. This 14 thousand *plus* 10 thousand, that is, Rs. 24 thousand for agricultural education and for industrial and technical training in a province like Bengal is, to say the least, most inadequate. If you want to solve unemployment, you must encourage industry, and certainly as things now stand, you cannot send your countrymen for

education in foreign countries in those matters, and for that a provision of only 10 thousand is ridiculous. Sir, Bengal is an agricultural province, and a sum of Rs. 14 thousand only for training of students in agriculture in the United Kingdom is similarly inadequate. If there is to be an attempt made to solve unemployment, if there is a desire to create more avenues for employment, money must be more usefully and plentifully spent in educating your boys in foreign countries in those matters, so that they may come up and start new careers in their home districts. Sir, with regard to medical aid, I would like to draw the attention of the House to one particular matter which concerns my district of Hooghly, I mean the Hooghly Imambara Hospital. The Imambara Hospital, Sir, is a very useful institution. My hon'ble friend Mr. Kabir has said in his speech that grants to district hospitals are not really doing any good to the rural side of the country. This description is not accurate, Sir. The hospitals in the Sadar or subdivisional centres do cater as much to the townsmen as to the rural people, and the rural people always come to these district and subdivisional hospitals, as we know from our experience. Therefore, it behoves the Government to strengthen the Sadar and subdivisional hospitals so that they could be availed of by the rural people in larger measure than now. There is some amount of private money available for this purpose, and if the Imambara Hospital which is a great institution bearing a great name,—if the Government find some money for the improvement of this hospital with the fund which is available, I submit that this hospital can be improved and it will be a great boon to the district where it exists. Sir, I cannot comment on the question of taxation, because we are all opposed to it. It is admitted in the Finance Minister's speech that to-day in the country, the economic problem is extremely acute and in the face of this admission, imposition of new taxation is to say the least most inconsistent. I will further say, Sir, that this imposition of a tax of Rs. 30 a year on professions, callings and employment is open to two objections. The first objection is the question of double taxation. The phrase "double taxation" has become notorious in the country. Double taxation is always objectionable, and those people whom the Finance Minister is going to tax are also being taxed in the municipalities in which they live under the Bengal Municipal Act. This tax was not known before the year 1932, and it is only since the new Municipal Act was introduced that this taxation has come into existence, and to-day another taxation is going to be introduced. The second objection to taxation that I would like to urge is the uniform payment of Rs. 30. This uniform payment of Rs. 30 by all people irrespective of their income is productive of the greatest hardship, and this point should have been considered. I do not understand the other taxation on dog-racing.

Probably the principle is safety, because smaller animals can be more easily dealt with than bigger animals. If that is the principle, Sir, then I have no objection. Because everybody likes to keep himself within a safety zone. The question is why not a tax on horse-racing, why is it excluded? Is it the case that in that case the money that will be realised would be smaller than what would be realised from dog-racing?

Then, Sir, I want to enter an emphatic protest against the contribution to the "Azad." Let the Government be told by the countryside people that this sort of contribution to private individuals and private papers is most objectionable, and that they think that there is no justification for it. As a matter of fact, as the Government incurs an enormous expenditure upon the Publicity Department and grants to other papers, was there any justification for this grant to "Azad"? This experiment was made some years ago, and it was found that it was wrong on principle, and therefore it was not continued. So the question is whether Government should persist in continuing this grant to "Azad". Sir, my last point is this: that the question of primary education has been completely neglected by Government. Government have not provided any money for primary education. Sir, the greater the demand for primary education in the province, the less the response of Government to such demands. As a matter of fact, practically this is really the answer of Government to the demand made in the province for primary education.

Dr. ARABINDA BARUA: Sir, the Budget presented by the the Hon'ble Finance Minister is characterised by two new features —a deficit of 87 lakhs and a proposal for the imposition of two new taxation measures.

The Hon'ble Finance Minister proposes to meet the deficit by a loan of a crore. He is sceptical regarding the revenue from taxation being sufficiently elastic to meet the increasing expenditure on nation-building departments. Yet for meeting the present deficit he proposes a loan. This is rather objectionable because, as he himself admits, India is a country of unjust and inequitable inequalities of wealth. That inequality is being further intensified by these public borrowings —borrowings imposing a direct and real burden on the nation, by transferring wealth from the poor, from the younger to the older generation, from the active to the passive elements in the economic life of the nation. For purely commercial undertakings, such loans are justified but otherwise the deficit should not have been met from taxation.

I welcome the tax on dog-racing and suggest extension of similar taxes on other forms of betting, *e.g.*, crossword puzzle competition,

foot-ball pools, sweeps, etc. Taxes are not merely for revenue purposes but they also serve a social end by discouraging all sorts of predatory, parasitic and socially harmful activities.

I also welcome the ungraduated tax on professions, etc., but plead for a certain amount of leniency for incomes between Rs. 2,000—5,000. I suggest a tax of Rs. 50 or even Rs. 75 for persons paying income tax on Rs. 5,000, and over. For people having income between Rs. 2,000 and Rs. 5,000, it will cause hardship as besides income-tax, they have to pay licence fees to municipalities, etc.

The Hon'ble Finance Minister has expressed, as he did last year, his deep concern for the question of middle-class unempolyment. To grapple with this problem effectively there are three things necessary, namely, training, equality of opportunity and extension of field. Government can only directly secure the first, provide a favourable environment for the second and indirectly assist in securing the third. Regarding training, there are two types of institutions in the West, namely, strictly professional and the University. In India, there is a tendency for the two to merge into each other and this is to be strongly deprecated.

It must be admitted that Government have been doing a lot in exploring avenues of employment. Special Officers have been appointed and special communities are sitting and it is to be seen what will be the result of their labours.

Regarding retrenchment, only one point need be stressed. The Finance Minister is a bit sceptical regarding supply of qualified and efficient officers if salary be lowered. In these days of middle-class unemployment, this is not correct. Nor will it be correct to say that non-Government appointments carry higher scales of pay.

Sir, I should now like to switch off to a subject in which I am personally interested. Being the only Buddhist member in the Provincial Legislature, I cannot let go this opportunity without saying a few words on behalf of the Buddhist community.

Last year during the Budget discussion, I had drawn the attention of the Government to the helpless situation in which the Buddhist community of this province found themselves and suggested certain measures for the improvement of their lot and made an earnest appeal to the Government to come to their rescue. I am glad to find that my appeal has not altogether been in vain and Government have taken some action, although a very insignificant one as compared to what they have been doing for the other communities similarly placed as the Buddhists.

The provision that has been made of Rs. 5,000 for the Buddhist *tols* is indeed something which was not known before in Bengal and the Hon'ble Finance Minister deserves to be congratulated on this happy departure from the old practice hitherto followed. This is for the first time that the Buddhist monasteries have been able to secure the support of the Government for their educational activities. Though the sum of Rs. 5,000 cannot be quite adequate for their purpose, still it cannot be said to be too bad for a beginning. Now that the Government have realised the importance of the role played by the Buddhist monasteries as the disseminators of an ancient culture, I hope with the passage of time increasing provisions will be made for them in the future.

In the Budget a small provision of a sum of Rs. 900 has been made for the Nalanda Vidyabhavan in Calcutta, which is a central Pali Institute that is intended to be the nucleus of a Buddhist University with the different monasteries all over the country as its affiliated institutions. The sum of Rs. 900 for an institution of this kind is absolutely inadequate. At present the Vidyabhavan is housed in the Buddhist monastery at Bowbazar which has been the gift of a merchant prince of this city. Before long it will have to look for its own premises. The importance and utility of the Nalanda Vidyabhavan cannot be too exaggerated. It aims at recapturing the glories of ancient Nalanda. Already students from Burma, Siam and other Buddhist countries have started to pour in into this institution and when developed to its fullest stature, it will be a proud possession of Bengal. I appeal to the Government to contribute handsomely to its growth by giving it a capital as well as an increased recurring grant.

Last year, I had drawn the attention of the Government to the absence of any provision for stipends and scholarships for Buddhist students. I am sorry to find that this year as well no special provision has been made for the Buddhists so far as the scholarships and stipends are concerned. A provision of Rs. 20,000 for scholarships, and Rs. 5,000 for stipends have, however, been made for what has been described as "others". We do not know who these others are. By the term "others" do the Government mean educationally backward communities other than the Muslims and the scheduled castes or all the other communities in general? It would have been much better if a specific provision had been made for the Buddhist community allotting a certain sum out of the provision made for the others. I would request the Government to issue instructions to the Education Department directing them to ear-mark certain portion of the scholarships and stipends meant for others, for students belonging to the Buddhist community. In this connexion, I would further add that the Buddhist community has not hitherto been able to secure State scholarships nor any stipends for

pursuing education in the Medical College, Engineering College and so on. If the Government really mean to help the Buddhists, they will have to open up opportunities to its members in higher spheres.

Hitherto the Buddhist community has been dragging along its precarious existence in the outlying parts of this province almost unknown to the rest of Bengal. Considering the circumstances which they had been reduced to, through the stress of opposing forces, their comparative advance has been their own handiwork. The establishment of a few high English schools had contributed much to their progress. The Mahamuni Anglo-Pali Institution, of which, I am proud to say, my late father was the founder, was the first high English school founded on the initiative of the Buddhists. The school is now 30 years old. It is badly in need of a new building. The Aryamaitreya Institution, another Buddhist high English school, founded in recent years at Raozan in Chittagong has applied for a recurring grant. I draw the attention of the Government to the needs of these two institutions.

Last time I drew the attention of the Hon'ble Finance Minister to the utter backwardness of the Bhuddhist community in women's education. There are no middle English schools not to speak of any high English schools in any of the Buddhist villages. The number of primary schools are also very few. No doubt there is lack of initiative on the part of the Buddhists themselves with regard to this matter and it is therefore all the more necessary that Government should supply the initiative by creating a fund from which they can draw. Poor as they are and used as they have been to scant attention from the Government, they are naturally diffident about the success of any of their projects. If they know there is a fund from which they can draw, that will supply the initiative they lack in now.

It is known history that Bengal was the last stronghold of the Buddhists in India and that the Buddhists had much to do with the development of the language and literature and thought and culture of Bengal. But as yet, it is not fully known what the contributions of the Buddhists have been. That chapter of the social history of Bengal has not been completely revealed yet. If Bengal is to know her past thoroughly and well, it is necessary that a research scholarship should be founded for the purpose. It may interest the Government to know that the Government of Bihar have spent something like Rs. 3,000 in subsidising Mahapandita Rahula Sankrityayana, a Buddhist monk, for collecting manuscripts from Tibet. Government of Bengal should not lag behind the Government of Bihar in encouraging researches in Buddhism. It may be pertinent to say in this connexion that the foundation of a Chair in the University of Dacca for the study of Pali and Buddhism would be a most appropriate action on the

part of the Government in view of the fact that 'Vikrampore was a great seat of Buddhistic learning in ancient times.

Sir, before I conclude I would like to say a few words regarding the representation of the Buddhist community in the public services. Of all the important minority communities of this province, the Buddhists are perhaps the only community that are most inadequately represented in posts of any importance under the Government. I can see the difficulty of the Government in making any separate provision for the Buddhists. They have, of necessity, got to be grouped together with the other minority communities. But the difficulty is: these minorities are in varying degrees of advancement. While the Anglo-Indians and the Indian Christians are far advanced, the Buddhists are much backward and so there can be no fair competition amongst them. Fixation of percentage in the services is now under the consideration of the Government and I hope Government will find out an equitable way for the representation of the Buddhist community in the Public Services. I would like to add further that the Buddhists and other communities which have hitherto remained unrepresented in important posts under the Government should be given preference whenever vacancies in these posts occur. Though it may benefit a few, it offers a great impetus to the growth and advancement of the communities concerned as a whole.

The present Government have taken upon themselves the task of ameliorating the condition of the masses and alleviating the condition of the oppressed and down-trodden. Let not the case of the Buddhists escape their attention whenever ameliorative measures are undertaken by them.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM:

বাজেট আলোচনা কোরতে হলে,—যদি সাম্প্রদায়িকতার ভূত আমার ঘাড়ে না চেপে থাকে তবে প্রথম এই কথা বোলবো—যে এবারকার বাজেটে অর্থসচিব মহা[শয়] উচ্চ শিক্ষার জন্য, অথচ ধনীদের শিক্ষার জন্য যে ব্যবস্থা কোরেছেন—তা যথেষ্ট কোরেছেন। দৃষ্টান্তস্বরূপ বোলতে পারি যে পর্দা কলেজ, ইডেন্ কলেজ—কামারুন্নেসা স্কুল, বেথুন কলেজ থেকে মোসলেম হল, St. Xavier's কলেজ, বর্দ্ধমান রাজ কলেজ, ব্রজমোহন কলেজ এর মধ্যে তো আমি কোন সাম্প্রদায়িকতার গন্ধ টের পাচ্ছি না। সুতরাং এই যে উচ্চ শিক্ষার জন্য অর্থাৎ ধনীদের জন্য বাজেটে যা বরাদ্দ কোরেছেন তার জন্য তিনি প্রশংসার যোগ্য এবং সেজন্য আমি তাঁকে ধন্যবাদ প্রদান কোরছি। তিনি ঐসব জায়গায় যে ব্যবস্থা কোরেছেন তার মধ্যে গরীবের স্থান নাই। গরীব অতদূর পর্য্যন্ত পেঁছিতেই পারে না। কলেজের শিক্ষার ধার দিয়েও গরীব যেতে পারে না। দুর্ভাগ্যের বিষয় এই বাজেটে সেই গরীবদের জন্য সামান্য কিছু টাকা দেওয়া হয় না। যে কৃষক দেশের মেরুদণ্ড, জাতির মূলধন সেই কৃষকদের জন্য বাজেটে অতি সামান্য মাত্র টাকা দেওয়া হয়েছে। আমি বিশ্বাস করি দেশের রাজস্বের বারো আনা অংশই তারা যোগায়, অথচ তাদের নিরক্ষর কোরে রাখা হয়েছে। এবং তাদের জন্য অতি সামান্য মাত্র টাকা বাজেটে বরাদ্দ করা হোয়েছে। সেইজন্য এই বাজেটকে আমরা কখনো সমর্থন কোরতে পারি না। প্রাইমারী শিক্ষা পর্য্যন্ত কৃষকের শিক্ষা শেষ হয়ে থাকে। অথচ সেই প্রাইমারী শিক্ষার জন্য অতি কম—মাত্র

পাঁচ লক্ষ টাকা ধরা হয়েছে। যেখানে ৪॥০ লক্ষ টাকা অন্যান্য শিক্ষার জন্য ধার্য্য হোয়েছে—সেখানে ৫ লক্ষ টাকা প্রাথমিক শিক্ষার জন্য ধার্য্য করা—অতি সামান্যই হোয়েছে বোলতে হবে। দেশের লোক সমষ্টির শতকরা ৯০ জন কৃষক এবং তাদের মধ্যে শতকরা দুই জনের বেশী লেখাপড়া জানে না। প্রাইমারী এডুকেশনের চাহিদা এর দ্বারাই অনুমান করা চলে। শুনতে পাই টাকার অভাবের জন্য প্রাইমারী এডুকেশন বন্ধ আছে। কিন্তু আমি তো বিশ্বাস করি টাকার কোন অভাব নাই। দেশে যথেষ্ট সোণা ছিলো, কিন্তু সে সব সোণারূপা কর্পূরের মতন বিদেশে উড়ে চলে যাচ্ছে। দেশে আর সোণারূপা থাকছে না। সেইজন্য চোর ডাকাতের ভয়ও কমেছে। চোর ডাকাত এখন কৃষকের ঘরে যেয়ে আর কি নিবে? তারপর বিপ্লবীদেরও নানাপ্রকার দমন করা হোয়েছে। এইসব কারণে পুলিশের ব্যয় যথেষ্ট পরিমাণ কমিয়ে দেওয়া যেতে পারে। তাছাড়া যে কয়জন বিপ্লবী এখনো আটক আছে তাদের যদি ছেড়ে দেওয়া যায় তাহলে বোধ হয় পুলিশের খরচ অনেক বেশী কমানো যায়। তারপরে গভর্ণমেন্টের এত বিভাগ আছে তার কোন বিভাগের কর্ম্মচারীদের বাড়ী ভাড়া দেওয়া হয় না কিন্তু পুলিশের প্রত্যেকটী কনেষ্টবল থেকে আরম্ভ কোরে D. S. P. ও S. P. পর্য্যন্ত সকলকেই বাড়ী ভাড়া দিতে হয়। এটাকা তো অনায়াসেই কমানো যেতে পারে। যে লোকের গাছতলায় শুয়ে সুনিদ্রার ব্যাঘাত হইত না সেলোকই কনষ্টবলের চাকরী পেলে আর নেটের মসারি ভিন্ন সুনিদ্রার ব্যাঘাত হয়। এই মসারির জন্যও কম টাকা খরচ হয় না। ইহা অনায়াসেই কমান যাইতে পারে। পাট বাংলার নিজস্ব সম্পত্তি। কৃষক গায়ের রক্ত জল কোরে এই পাট উৎপন্ন করে। এই পাটের ট্যাক্স হতে প্রচুর পরিমাণে টাকা গভর্ণমেন্ট প্রাপ্ত হওয়ায় পূর্ব্ব গভর্ণমেন্ট অপেক্ষা বর্ত্তমান গভর্ণমেন্টের আয় অনেক পরিমাণে বেড়ে গেছে। এই পাটের ট্যাক্স থেকে যে টাকা পাওয়া যায় আর পুলিশের ব্যয় কমিয়ে দিলে যে টাকা বাঁচানো যায় তাদ্বারা Free primary education গরীবদের জন্য অনায়াসেই বিনা ট্যাক্সে প্রাইমারী শিক্ষা প্রচলন করা যেতে পারে। বোধ হয় সেজন্য আর জমিদার বা কৃষক কারো উপরেই অতিরিক্ত ট্যাক্স ধার্য্য করার আবশ্যকতা হয় না। গতবারের বাজেটের সময়ও আমি এবিষয় বোলেছি। আমাদের দুর্ভাগ্য, তাঁরা সেদিকে মনোযোগ দেন নাই। ৩টা বাজেট পার হয়ে গেল। আগামী বছরের জন্যও এর কোন প্রশ্ন দেখছি না তখন এই মন্ত্রীমণ্ডলের আমলে প্রাইমারী এডুকেশন-প্রচলন হবে বোলে আমি বিশ্বাস কোরতে পারি না। কেননা এই মন্ত্রীমণ্ডলী হয়েছেন ধনীক মন্ত্রীমণ্ডলী। গরীবেরা শিক্ষা পাক এটা এরা চান না। লেখাপড়া শিখলেই তারা নানা কথা বোলবে বর্ত্তমান গভর্ণমেন্ট সেটা চান না। সুতরাং এ গভর্ণমেন্টের সময় প্রাইমারী এডুকেশন যে হবে সেটা আমি বিশ্বাস করি না। অন্য গভর্ণমেন্ট যদি আসে তবে হ'তে পারে। এই প্রাইমারী এডুকেশন নিয়ে মন্ত্রীমণ্ডল, জনসাধারণ, কাউন্সিল, এসেম্বিলি এর মধ্যে যে টানাহিচড়া হচ্ছে এর ভবিষ্যৎ যে কি তা বলা যায় না। যা হউক, এই প্রসঙ্গে আর একটা কথা অর্থসচিব মহাশয়কে বোলবো। সে কথাটা বড়ই মর্ম্মন্তুদ। পাঠশালার গুরু নিধিরাম সরকারের কি ফয়জুল্লা পণ্ডিতের কাছে না পোড়েছেন তার হাতের দু ঘা বেতের বাড়ী না খেয়েছেন এরকম মেম্বর বোধ হয় কাউন্সিলে কেউ নাই। সন্তোষের মহারাজা, নলিনীরঞ্জন সরকার মহাশয়ও বোধ করি বাদ পড়েন নাই। তারা যে সমস্ত জীবনভর সেই চাকরী করে—কিন্তু কি পায়? মাসিক ৩।৪ টাকা বেতন তাও পায় কি না পায় ঠিক নাই। গ্রামের চৌকিদার যে বেতন পায় তারা ভদ্রলোক হওয়া স্বত্বেও সে বেতন পায় না। বোধ করি এই হাউসে যেসব পিয়ন আছে তাদের একজনের বেতনের সঙ্গে ৪ জন পণ্ডিতের বেতন সমান হবে কিনা সন্দেহ। এই গরীবদের জন্য বাজেটে কিছুই ধরা হয় নাই। তা তাদের জন্য ধরবেন কেন? সুধাধবলিত গৃহে দুগ্ধফেননিভ শয্যায় শুয়ে চর্ব্ব্য, চোষ্য, লেহ্য, পেয় আহার কোরে যাদের দিন কাটে তাঁরা কি গরীবের কথা মনে রাখতে পারেন? সেই বাল্যকালের কথা ভুলে গেছেন সমস্তই। দীর্ঘদিন কলকাতায় সুখে বাস করার ফলে আর মনে রাখতে পারেন নাই সেসব শিক্ষকদের কথা যারা নাকি পাড়াগাঁয়ে অর্দ্ধভগ্ন খড়ের ঘরে থাকেন, আমরা কি এ আশা কোরতে পারি না যে তারা কিছু পাবে।

কাল কাপড় পোরে যারা থাকে তারাই এসব কোরবে। আমি ফর্সা কাপড় পরি আমি তো কিছু কোরবোই না আপনি আগেই বলেছেন। তারপর আমি আপনাদের কাছে নিবেদন কোরবো কো-অপারেটিভ্ সোসাইটি সম্বন্ধে। কো-অপারেটিভ্ সোসাইটির সঙ্গে আমি জীবনের প্রথম থেকে সংযুক্ত আছি। মনে কোরেছিলাম যে কো-অপারেটিভ্ এর কৃষকদের অবস্থার উন্নতি করা যেতে পারে। কিন্তু ফল হয়েছে উল্টা; কো-অপারেটিভের নামে লোকের মনে একটা ভীষণ আতঙ্ক এসে উপস্থিত হোয়েছে। আগে একজন রেজিস্ট্রার দ্বারা সারা বাংলার কাজ চোল্‌তো; এখন প্রত্যেক জেলার জন্য একজন কোরে রেজিষ্ট্রার। এর দ্বারা গরীবের কোন উপকার হবে না, কতকগুলি লোক পোষণ করা হবে মাত্র। তারপরে বোল্‌বো—কুকুর দৌড়ের উপর ট্যাক্স বসানো হোয়েছে, কিন্তু যদি ঘোড় দৌড়ের উপর ট্যাক্স ধোর্‌তেন্ তাহলে আয় হতো অনেক বেশী। কিন্তু তা কোরতে সাহসে কুলোয় না, কারণ—

"ভয়ে ভয়ে যাই, ভয়ে ভয়ে চাই,
গৌরাঙ্গ দেখিলে ভূতলে লুটাই।"

এ গৌরাঙ্গ কিন্তু নদীয়ার শচির দুলাল গৌরাঙ্গ নয়। সাত সমুদ্র তের নদী পার হোয়ে যারা এসেছেন, সেই আমাদের গৌরাঙ্গ প্রভুরা।

তারপরে আমি আর একটা কথা আপনাদের কাছে নিবেদন কোরবো Road Board সম্বন্ধে। Road নির্ম্মাণ সম্বন্ধে যে কি কাজ হচ্ছে তা কিছু বোঝা যায় না। বাংলা গভর্ণমেণ্টকে যথেষ্ট টাকা Road Board থেকে দেওয়া হয়, কিন্তু আমরা দেখ্‌ছি সে টাকা খরচ না কোরে ফিরৎ দেওয়া হয়। উত্তর বঙ্গে মাত্র ১৮,০০০ টাকা খরচ হয়েছে অথচ অন্য দিকে ৪০ লক্ষ টাকা। যিনি এবিষয়ের মন্ত্রী তাঁকে বগুড়া জেলার করতোয়া নদীর উপর একটা ঝুল পুল নির্ম্মাণ জন্য আমি একখানা চিঠি লিখেছিলাম। তিনি আমাকে কতকগুলি vague উত্তর দেন। তিনি আমাকে উত্তর দেন যে একটা estimate করা হচ্ছে। কিন্তু প্রায় এক বৎসর গত হইল সে estimate আজ পর্য্যন্ত দেখ্‌লাম না। মন্ত্রীদের কথার প্রত্যেকটী অক্ষরের একটা মূল্য থাকা উচিত। কিন্তু দুঃখের বিষয় আমাদের মন্ত্রীদের কথার তদ্রূপ মূল্য আমরা দেখিতে পাই না।

আমার শেষ কথা আজাদ সম্বন্ধে। আজাদ পত্রিকাকে আজ ত্রিশ হাজার টাকা দেওয়া হইতেছে। সেটা ভালো না মন্দ হয়েছে—তাদ্বারা আমাদের উপকার না অপকার করা হয়েছে—সেই কথা আপনাদের কাছে বোল্‌বো। একথা সবাই জানে যে আজাদ লীগ্ পন্থী এবং বাংলার মুসলমান সমাজের একমাত্র প্রধান কাগজ। এই আজাদ যদি মন্ত্রীমণ্ডলীর ভাড়াটিয়াস্বরূপ থাকে তাহলে এর কথা কি কেউ বিশ্বাস কোরবে? আজাদ মানেই মুক্ত। এই টাকা দিয়ে আজ তাকে মুক্ত রাখা হচ্ছে না বন্দী করা হচ্ছে, তাকে ঠিক মুক্ত করা হচ্ছে না দাসত্বে আবদ্ধ করা হচ্ছে এটা আমি বুঝ্‌তে পারছি না। এখন হতে এর দ্বারা জাতির উপকার হবে কি অপকার হবে সে সম্বন্ধে বিশেষরূপে চিন্তা কোরে দেখ্‌তে হবে। অর্থসচিব মহাশয়ের যদি প্রকৃতই সদিচ্ছা থাক্‌তো তাহলে আজাদকে এ সাহায্য কোরতেন না যাবৎ আজাদকে ত্রিশ হাজার টাকা দেওয়ায় জন্য দুঃখ করিতেছেন। তাদের দুঃখ না করিয়া আনন্দ করা উচিত কেননা এই ত্রিশ হাজার টাকা দ্বারা অর্থসচিব মহাশয় আজাদকে তথা লীগকে চূর্ণ বিচূর্ণ করিবার অভিসন্ধি করিয়াছেন। আক্রাম খাঁ যদি বুদ্ধিমান হন তাহলে এ ত্রিশ হাজার টাকা গ্রহণ কোরবেন না। তবে আক্রাম খাঁ একটা চালাকি কোরতে পারেন,—এই ত্রিশ হাজার টাকা নিয়ে ঘরে ঢোকেন এবং আজাদের সঙ্গে তার কোন সম্পর্ক না থাকে এবং অন্যলোকে যদি আজাদ চালায় তাহলেও কতকটা চোল্‌তে পারে। আজাদ যদি এই মন্ত্রীমণ্ডলের স্বপক্ষে বা বিরুদ্ধেও এখন কোন কথা বলে আর কেউ তা বিশ্বাস কোরবে না, কেননা সে হবে ভাড়াটিয়ার কথা। ভাড়াটিয়ার কথায় কেউ বিশ্বাস স্থাপন কোরতে পারে না। সুতরাং এই ত্রিশ হাজার টাকা আজাদকে দিয়ে মন্ত্রীমণ্ডলের কোন লাভই হবে না।*

*An authorised English translation of this Bengali speech will be found in the Appendix.

Mr. PRESIDENT: Order, order, for the purpose of giving the members of the House more time for discussing the Budget, His Excellency the Governor has been pleased to direct that the Hon'ble Finance Minister will give his reply on the 24th February before Government Business fixed for that day is taken up.

The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 23rd February, 1939.

Members absent.

The following members were absent from the meeting held on the 22nd February, 1939:—

(1) Khan Bahadur Naziruddin Ahmed.
(2) Mr. Humayun Reza Chowdhury.
(3) Nawabzada Kamruddin Haider.
(4) Mr. Mohammad Hossain.
(5) Maulana Muhammad Akram Khan.
(6) Mr. T. Lamb.
(7) Begum Hamida Momin.
(8) Mr. E. C. Ormond.
(9) Mr. H. P. Poddar.
(10) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh.
(11) Mr. D. H. Wilmer.

B. G. Press—1938-39—13076A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 23rd February, 1939, at 2-15 p.m., being the tenth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Announcement about the Death of His Excellency the Right Hon'ble Lord Brabourne, Governor of Bengal.

Mr. PRESIDENT: The Chair requests the hon'ble members to rise in their places.

(All the hon'ble members rose in their seats.)

Mr. PRESIDENT: It having pleased Almighty God to take to His mercy our late most beloved Governor His Excellency the Right Honourable Lord Brabourne of blessed memory, who departed this life to-day at 10-50 o'clock in the morning at the Government House, Calcutta, the business of the House is postponed and the House do now adjourn till 2-15 p.m. on Monday, the 27th instant.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 27th February, 1939.

Members absent.

The following members were absent from the meeting held on the 23rd February, 1939:—

(1) Sir Edward C. Benthal.
(2) Mr. Humayun Reza Chowdhury.
(3) Khan Bahadur S. Fazal Ellahi.
(4) Mr. Kanai Lal Goswami.
(5) Nawabzada Kamruddin Haider.
(6) Mr. Mohammed Hossain.
(7) Mr. T. Lamb.
(8) Mr. J. McFarlane.
(9) Mr. Naresh Nath Mookerjee.
(10) Rai Bahadur Satish Chandra Mukherji.
(11) Mr. E. C. Ormond.
(12) Mr. H. P. Poddar.
(13) Mr. D. H. Wilmer.

B. G. Press—1938-39—13077A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 27th February, 1939, at 2-15 p.m., being the eleventh day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Condolence Resolutions at the Death of The Right Hon'ble Lord Brabourne.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is my most melancholy duty to-day to put two motions before the House expressing the condolence of the House at the death of His Excellency Lord Brabourne. Though these two motions will have to be voted upon separately, yet, I want to put both of them before you so that the matter can be dealt with in one speech.

The motions are as follows:—

"That an humble Address be presented to His Excellency the Governor of Bengal conveying the deep sympathy felt by this House in the grievous affliction which the country has sustained by the death of Lord Brabourne, Governor of Bengal, of blessed memory, and assuring His Excellency that the example of high public service which our late beloved Governor displayed and his untiring endeavours for the welfare of the peoples of India, specially those of Bengal, will ever be held in affectionate and grateful remembrance."

"That a Message of Condolence be sent to the Lady Brabourne, tendering to her the deep sympathy of this House in her bereavement and assuring her that this House shares the irreparable loss sustained by the province of Bengal and its members will ever hold in their hearts the deepest feelings of reverence and affection."

Sir, we meet to-day under the shadow of a great tragedy—a public as well as a personal loss. Our well-beloved Governor His Excellency Lord Brabourne has passed away from our midst leaving not this province only but the whole of the British Empire the poorer by his

death. His death was so sudden that one finds it difficult yet to believe that he is no more. I am sure hon'ble members would desire that the House should pay its humble tributes to the memory of our late Governor before we proceed to the ordinary business.

Although Lord Brabourne's actual stay in Bengal would be just one year, if the period he officiated as Viceroy is left out, yet within this very short period he had succeeded in establishing himself firmly in the affections of our people as was unmistakably indicated by the deep universal regret and sympathy which his untimely death aroused. Even leaders of the Congress which does not regard Governorships very kindly, leaders such as Mahatma Gandhi, the President of the Indian National Congress, the Leader of the Opposition in the Lower House, the Congress Mayor of Calcutta and also personalities like Rabindranath Tagore, who are practically outside politics, all felt drawn to Lord Brabourne by his rare personal charm—a fact which is clear from the very feeling way in which they have spoken or written about our late Governor. Mr. Kher, the Congress Premier of Bombay, has openly acknowledged the friendship and help of Lord Brabourne with which the Congress Ministry in Bombay started office.

When Lord Brabourne first came out to India, he was still comparatively young and the first phase of his Governorship was under the old regime where a Governor was a virtual autocrat. Later, with the inauguaration of provincial autonomy, he became Bombay's first constitutional Governor and he adapted himself with remarkable ability to the changed condition. But whether as a constitutional Governor or as an autocratic Governor, if one may use the term, he showed remarkable ability and aptitude. At the root of his singular success and popularity were his unique personal charm and his warm heart, which enabled him not only to be a tower of strength to his Ministers but also to give them the friendliest counsel and the warmest-hearted assistance and thus tactfully help them over many a critical situation. Under the new constitution the Governor's powers are very limited: nevertheless, Lord Brabourne clearly demonstrated what a very useful role a constitutional Governor could play. In Bengal, in particular, with a Coalition Government composed of varied elements and interests, Lord Brabourne gave us invaluable assistance in uniting and harmonising the different elements and in inspiring them for concerted action for the common cause of service to the people. His tactfulness and charm served to settle differences and bridge conflicts no less than they cemented our points of agreement, our team spirit and our sincere desire to pull together in the common cause of service to the country. In such noble co-operation, the late Lord Brabourne gladly lent his full strength and joined in the struggle against want, disease and misery with an enthusiasm born of fellow-feeling and humanity.

But withal he was a perfectly constitutional Governor. He manifested a true and deep understanding of what is required of a Governor under our new constitution. Though his guidance and counsel were available to his Ministers at all times, he was much too refined a gentleman and much too sensible of the duties of a constitutional Governor to enforce his own will at any time. He never obtruded into the sphere of the Ministers' activities and responsibilities. Even on the things which were left to his individual judgment, he used very often to consult the wishes of his Ministers.

Of his self-less and inflexible devotion to duty, you already know many things and I would only like to add my personal testimony to this from my own experience. Even in his sick-bed he never spared himself. The very fact that he should be ill and in bed instead of normally attending to the duties of his office—a fact over which he had, of course, no control—seemed to cause him no small embarrassment and he had openly expressed this feeling of embarrassment to us more than once in his sick-bed. But he kept in touch with practically all important matters of administration even during his illness, for he insisted on meeting his Ministers even in his sick-room. Two days before his operation he asked us to see that work was not held up because of his illness. He said that he hated accumulation of work and wanted us to send up files to him as usual as soon as he regained consciousness after the operation. I am not using the language of exaggeration when I say that Lord Brabourne practically laid down his life for Bengal and for his extraordinary devotion to duty. For it was because of this that he decided to have his operation done here, although, so far as my information goes, both the Secretary of State and the Viceroy had insisted on his flying to England and having the operation performed there. Lord Brabourne thought that by leaving Bengal during this budget session he would be putting his Ministers in difficulty and this he did not like to do. He communicated with the Secretary of State and the Viceroy on this subject and ultimately persuaded them to his way of thinking: and because of the time taken in communicating and obtaining a reply his operation had to be delayed by about a week. And it is owing to these particular circumstances of his death that the premature end of this brilliant life causes such a grievous wrench in our hearts.

His loss touches me personally with all the greater acuteness because he had honoured me with his personal friendship. And his personal confidence and friendly affection not as between a Governor and a Minister but as between man and man, have been the deciding factor in many anxious situations when I have had to deeply consider whether I could serve my province better inside the Ministry or outside.

Sir, to succeed Sir John Anderson was no easy task, and it was I think, because of his sterling qualities that Lord Brabourne was able to prove even within the very short term he remained our Governor that he held that office worthily and with conspicuous ability. He inspired universal enthusiasm, trust and confidence. In fact, wherever he moved he used to radiate graciousness, charm and enthusiasm. He was, moreover, as the last few weeks have amply shown, a born soldier and a strenuous fighter. But he leaves behind him no legacy of resentments and no enmity; nothing but the gracious memory of a manly and winning personality, the memory of one who served with an unstinted measure of devotion his generation and his country. Cut short, unfortunately, in his prime, in the very flower of his achievement, and in harness to the last, he has left behind him a noble example and a rare inspiration to all concerned with the governance of men. Sir, if, up till the present moment, I have forborne mentioning the name of his beloved consort, the Lady Brabourne, it is because I took for granted that her loyalty, devotion and courage did in no small measure contribute towards his noble achievements. I am sure I am voicing the sentiments of the House when I say that, in this intensely melancholy situation, it is impossible to give expression adequately to our feelings of sympathy and condolence to the Lady Brabourne. Our hearts go out in all sincerity, gratitude and compassion for the brave grief-stricken partner who has so valiantly stood by the side of Lord Brabourne and helped him in his arduous tasks. The Lady Brabourne had also personally identified herself with many public institutions in this province and one had looked forward to many improvements and considerable progress in all these institutions during the next few years under her kind patronage and care. That they should have to be deprived of her kind and active interest so soon is most unfortunate and is certainly a great loss. With these words, I have the honour to move that a message of condolence be sent to the the Lady Brabourne tendering to her, her two sons and other members of the family the deep sympathy of this House in their recent bereavement. We may assure the Lady Brabourne that we share her sorrow in the irreparable loss and will ever hold in our hearts towards her the deepest feelings of reverence and affection. It will suffice to say that other hearts besides that of the Lady Brabourne bleed and mourn the unspeakable loss, under such tragic circumstances, of our late beloved Governor,—a noble son of England and a great gallant and charming gentleman. May his soul rest in peace!

Mr. KAMINI KUMAR DUTTA: Sir, I rise to whole-heartedly support the motions moved by my friend the Hon'ble Mr. Nalini Ranjan Sarker. I associate myself and the whole of my party with the expression of profound sorrow at the untimely death of His Excellency Lord Brabourne in the prime of his life, and to the eloquent tributes paid to

his manifold qualities of head and heart. It is no exaggeration to say that the whole country was stunned to learn of the most unfavourable turn which the ailment of His Excellency had taken and that so very suddenly. Indeed, it can be said of very few of the provincial Governors who have so far come out to this country that their memory has been able to evoke such spontaneous tributes of regard from all classes of people. Indeed, the unstinted homage of respect and admiration which has been offered to his memory, from far and near, by persons widely differing in their views on politics and in their outlook on our national life, is the best compliment that may be paid to the memory of the late Lord Brabourne. Leaders of public opinion from all parts of India have ungrudingly paid their tributes to the memory of late Lord Brabourne. Leaders not only of one party, but, as has been said by the Hon'ble Minister, leaders holding divergent views in politics have not hesitated to express their approbation and admiration for his manifold qualities of head and heart. Indeed, one can say without any fear of contradiction that late Lord Brabourne did win the trust of all classes of people and succeeded in winning the spontaneous esteem and affection of the people of Bengal. Sir, when Lord Brabourne took over charge of this province, Bengal was still smarting under the unhappy experiences of the previous regime, and it redounds not a little to the credit of late Lord Brabourne that by his statesmanlike treatment of the problems of the province and by his tactful handling of men and things, he succeeded in easing the situation in the province and in inspiring confidence in him.

Sir, I was not privileged to have the advantage of personal contact with him, but I can say from the record of his public service in the various spheres of his activities since he came out to India as the Governor of Bombay, that he must have been endowed in a very uncommon degree with the capacity of real statesmanship and with sweet reasonableness by which he was able to win the confidence of all sections of the public. As the Governor of Bombay he had to function under the old dispensation practically as an autocratic head of the administration, but when it fell to him to ring the old order out and to usher in the provincial autonomy under the Government of India Act, 1935, I can say it on the authority of the Congress Ministers of Bombay itself that though his position was changed from an autocratic administrator to that of a constitutional Governor, he adapted himself to the new situation with a quiet dignity and easy grace. Sir, a period of political transition is not always very easy to adapt oneself to. It has not unoften proved the grave of the reputation of many a sound and able administrator. But it must be said to the credit of Lord Brabourne that he piloted the administration even in this critical transitory period to his utmost credit.

In the death of Lord Brabourne, we really mourn the loss of a sound administrator, a sympathetic Governor and a distinguished public

servant who possessed charm of manners and exceptional decorum in his treatment of all who came into contact with him. May his soul rest in peace!

In conclusion, I join with you and the whole House in conveying to the Lady Brabourne our sincerest and heartiest sympathy in her irreparable loss.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, we the members of the Coalition Party on this side of the House have the melancholy privilege of supporting the two motions moved by the Hon'ble Mr. Sarker. Of the great qualities of the head and heart of Lord Brabourne, the evidence from all sides and all quarters is overwhelming. It seems to us, Sir, that the fact that he was selected as the Parliamentary Secretary to Sir Samuel Hoare, the Secretary of State for Indian affairs, during perhaps the most momentous transition period in the history of Indo-British relationship, and the fact that in the year 1934, he was sent out to India first to Bombay and then to Bengal, is proof positive, if proof at all is necessary, of his abilities and sterling qualities as an administrator from the Indian point of view. To us, Sir, who come from the mofussil and who are accustomed to look at things from a fair distance, Lord Brabourne was the embodiment of nobility. Born to a high position in the aristocratic society in England, his blood, however, flowed in democratic veins and his heart always throbbed with a yearning to lift the fallen and to redress the grievances of the people who were wronged. Bombay felt the force of his personality but Bengal, to borrow the expression of a Persian Poet, while Bengal was looking on the rose unfolding beautiful petals in their variegated colours and hues, the spring time came rather badly, the rose withered and the sweetest companion of India disappeared forever. Our grief and the grief of the whole country is too deep for expression.

So far as the members on this side of the House are concerned, who are the spokesmen of the peasant population in the countryside, his name will ever remain enshrined in their hearts for all time to come, for the simple reason that when the Bengal Tenancy Bill was passed by both Houses of the Legislature and the fate of the Bill was hanging in the balance, it was Lord Brabourne's personality that stemmed the tide of opposition and the Bengal tenants got the charter of their rights by the passing of the Bill.

It strikes me, Sir, that Lord Brabourne had, from the time when he joined the great European War, come to imbibe a deep feeling of love for this country as India was the brightest gem in the Imperial Crown and it is the ambition of every Englishman worth his name to see that its lustre is enhanced by a careful regard for the well-being, happiness and prosperity of the Indian people. It seems to me nothing but a strange dispensation of Providence, Sir, that Lord Brabourne should

repose in the lap of the mother earth in India, the country which he had so truly loved. In conclusion, Sir, if comparison is not odious, I may say that I personally knew Lord Carmichael, Lord Ronaldshay and Lord Lytton; and I am in a position to say that Lord Brabourne had all the sweet reasonableness of Lord Carmichael, Lord Lytton's intense love for India and the thoroughness of devotion to duty of Lord Ronaldshay.

Sir, our hearts go out in sincerest sympathy to the Lady Brabourne and we hope that she will feel the rigour of her bereavement less when Her Ladyship considers that the sufferings of Bengal are no less than hers.

With these words, Sir, I whole-heartedly support both the resolutions.

Sir E. C. BENTHALL: Sir, I rise to support the two resolutions. There is little at this stage that I may add to the universal tributes which have already been paid and by the powerful testimony of those silent crowds which lined the roads last Friday. Lord Brabourne's power over men lay in his simpleness and in his humanity. He understood men.

As a Governor, his success was largely due to his understanding of the peoples of India and to his single-minded determination to play the game by India. Sir, much as he was loved by all, we of his race are specially proud to have served one who was the embodiment of all that is best of the British in India, and one who played a notable part in cementing the relations between the two countries. In recognition of all his great qualities he was given, and will for all time retain, the heart of all in India.

With regard to the second motion, I desire to associate myself and my party with the sympathy that has been so well expressed in this House with the Lady Brabourne in her bereavement.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, Sir, we meet under the shadow of a great sorrow and an irreparable loss. The tragic disappearance of Lord Brabourne, our late beloved Governor, from the sphere of this life has cast a gloom over Bengal. I, who had the privilege of coming into close contact with him and was deeply attached to him, find that sorrow to be too deep for utterance. With me it is a grief which does not speak but whispers the over-fraught heart to break. Alas, "what shadows we are and what shadows we pursue"! We know that in the cycle of time, in the natural process of evolution, men must come and go. Life and death are mysteriously inter-woven—the one is inseparable from the other—the creative forces, such are the inscrutable ways of Providence,—are intermingled with the superhuman energy that destroys under the natural

laws. But when the hand of death ruthlessly removes from our midst one in the full prime of life—one who would have, if he was spared, shed an imperishable lustre on contemporary history, human nature gets exasperated and is roused in utter indignation to revolt against such capricious cruelty and arbitrariness.

Be that as it may, I have no doubt that, though no more in the land of the living, future administrators who may come to Bengal will fix their gaze upon the beaconlight of Lord Brabourne's life which has left behind it imperishable lessons and examples of lasting value and that they will avail themselves of the fullest advantage of the flood-light which is capable of removing the veil of darkness from obscurest corners. I say so because it is a deep-rooted conviction with me that Lord Brabourne was free from any retrograde policy, racial prejudice or political colouring. He fully believed in the perfect balance of human nature. He believed in harmony and perfection. He realised to a degree that compartmentalism is a narrow maxim of the present-day selfish world, a by-product of extreme form of nationalism. Despite the reactionary forces around him, he toiled hard to lay down a broad foundation for mutual understanding. Lord Brabourne fully realised the situation in Bengal and made up his mind to give Bengal a lead to enable her to seize with intelligence and imagination the opportunities that may be brought in by the surging tide of evolution. He possessed a dynamic nature, an unconquerable determination and courage and I believe his indomitable will received an unfolding for that mighty purpose. Even illness could not diminish, until death actually destroyed, the spirit of service and self-abnegation that was within him. His life, as I understand it, pointed towards a great whirl-pool of action in which it was destined to be epitomised. Any tribute that is paid to him is in reality a tribute paid to greatness.

Our heart goes out in deepest sorrow and sympathy to that gracious lady who was the untiring partner of Lord Brabourne's life. She is an embodiment of patience and fortitude. Those who know her admire her for her outstanding personality. May God comfort her and give her strength to bear the dead-weight of her great sorrow. Fate is inexorable and we all must bow down to the inevitable.

Begum HAMIDA MOMIN: Sir, on behalf of the womanhood of Bengal, I rise to associate myself with the previous speakers in expressing our grief at the sudden and tragic death of our late Governor, Lord Brabourne. Our heart goes out to the Lady Brabourne in her sad affliction. I believe there is not a single woman in Bengal who does not feel for her in her irreparable loss. Situated as we are, we are deprived from rendering any service to her which a woman can offer to another at such times. But I assure you,

Sir, and through you, Her Ladyship, that we are sorely grieved in her bereavement—the greatest that can befall a woman in this world and we pray to the All-Merciful Healer of all sores to grant Her Ladyship fortitude, solace and comfort in this hour of her great trial and sorrow.

Mrs. K. D'ROZARIO: Mr. President, Sir, I share the sentiments of great sorrow expressed by previous speakers on this unhappy occasion and humbly unite myself with them in expressing my sense of sadness at the loss of our noble and much-beloved Governor, Lord Brabourne. Many of us who sensed the enveloping gloom that beset us after the knowledge of his serious illness, had hoped and prayed that this trouble might pass from our distinguished and esteemed Governor and that he would shortly be restored to normal health and vigour and resume his onerous duties which he performed with such tact and courtesy; but this was not to be. Lord Brabourne was a friendly and accessible personage, gifted with a great concern for the uplift of the humbler and poorer members of this huge country. He had endeared himself to the multitudes of this land by his wide understanding and sympathetic treatment of all problems affecting the poor and I feel sure that people of all communities and classes have felt a sense of haunting sorrow and inexpressible grief at the irreparable loss we have sustained. On behalf of the members of my community I join the other members of this House in expressions of appreciation of the great virtues of Lord Brabourne, and in tendering to the Lady Brabourne our profound sympathy and grief in her deep affliction and sorrow.

Mr. PRESIDENT: It is with a heavy heart that I rise to associate myself with the sentiments expressed by the hon'ble members on behalf of all sections of the House at the sad and untimely demise of Lord Brabourne. He was, indeed, one of the finest specimens of the British Nobility and succeeded in winning the heart of every one who happened to come in contact with him, by his genial temperament, charming manners and his readiness to appreciate the view-point of others. The fact that his demise had evoked universal sympathy and unstinted tributes to his memory was a remarkable testimony to the innate greatness of the illustrious deceased. It is indeed very sad to contemplate that a career so brilliant in equipments and so full of promise for the future should have ended so suddenly and so tragically. I once again add my tribute of homage to the memory of Lord Brabourne.

To indicate the unanimous consent of the hon'ble members to the two resolutions moved by the Hon'ble Mr. N. R. Sarker, I would request them to rise in their places when I place the motions before the House.

(All members rose in their places.)

Mr. PRESIDENT: The question before the House is that an humble Address be presented to His Excellency the Governor of Bengal conveying the deep sympathy felt by this House in the grievous affliction which the country has sustained by the death of Lord Brabourne, Governor of Bengal, of blessed memory, and assuring His Excellency, that the example of high public service which our late beloved Governor displayed, and his untiring endeavours for the welfare of the peoples of India, specially those of Bengal, will ever be held in affectionate and grateful remembrance,

and that a Message of Condolence be sent to the Lady Brabourne, tendering to her the deep sympathy of this House in her bereavement and assuring her that this House shares the irreparable loss sustained by the province of Bengal and its members will ever hold in their hearts the deepest feelings of reverence and affection.

I take it that the resolutions are agreed to by the House.

An Address will be duly presented to His Excellency the Governor and as desired by the House, I shall convey the heart-felt condolences of the hon'ble members to the Lady Brabourne and other members of the bereaved family.

The House will now resume the general discussion of the budget.

Budget discussion continued.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. To-day is the last day of the budget discussion. I understand that the Nawab Bahadur of Dacca will make a speech on the Budget. As this is the last day for general discussion of the Budget, would it not be more convenient if the Nawab Bahadur spoke on the matter to-morrow, so that the non-official members of this House might get some more time to discuss the budget.

Mr. PRESIDENT: Well, it is for the Government to decide

The Hon'ble Mr. NALINI RANJAN SARKER: We have already given full three days, Sir, for the budget discussion and it is not possible to extend the time further.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Mr. President, Sir, the industrial development of the province is a problem over which the intelligentsia of the province are seriously exercising themselves and I seek your indulgence to present before the hon'ble members a short review of the activities and achievements of the Industries Department during the period I had the privilege of looking after its affairs. But before I do so, I think, I should make certain

observations as to the limitations within which a provincial Government have to work out and pursue its industrial policy and programme so that the results obtained may be examined against a proper perspective.

In the first place, I would invite your attention to the most important fact that unless the policy in regard to fiscal tariff and railway freight of the country are attuned to the industrial needs and aspirations of the provinces, no programme however skilfully drawn up and no effort however earnestly initiated can be successful. These are matters which are absolutely under the control of the India Government and this fact alone imposes definite handicaps on the endeavours of the Provincial Governments. If these factors are not liberalized and made helpful to the requirements and development of industries in which the different provinces are specially interested, they cannot certainly achieve industrial expansion either to the desirable extent or along desirable lines. Take for instance, the protection policy of the Government. It is hedged in with so many stringent conditions that many struggling industries have to go unprotected against serious foreign competition although they deserve protection in every way. Glass industry, for instance, could not obtain protection only on the ground that one of its raw materials, namely, soda ash is imported. The rapid development of the sugar industry under the protective wall of tariff bears ample testimony to the fact that if the tariff policy is helpful, the expansion of industries becomes easier of accomplishment. If I refer to these facts to-day, it is only because I want to impress upon the House that the Provincial Government cannot have its own way in the matter of industrial development or cannot develop industries according to its own requirements. This consideration should be borne in mind in assessing what we have been successful in achieving so far.

In the second place, the internal limitations and difficulties which we inherited from the past regime on the assumption of our office in April, 1937, should not also be ignored. But I am glad to be able to tell you that we have been making most earnest endeavours to tide over the handicaps imposed in the past and cover up the lost ground and that we have in the meantime initiated measures which are expected to be of material and useful assistance to the programme of development of industries which we have in view.

Before I refer to these measures, I may be permitted to say a few words on the scope of the Provincial Government in the matter of developing the different categories of industries, namely, big industries, small industries and cottage industries. It is almost an economic truism to say that without the harmonious development of all these three types of industries no scheme for the economic improvement of the masses can be successful. But as you are fully

aware, the Provincial Government, within its constitutional and financial limitations, can hardly undertake large-scale industries, but can only assist their promotion and development by indirect methods. It is only with regard to the last two categories, namely, small and cottage industries that the provincial Government may, in the present circumstances, more successfully initiate policies and undertake measures, although in their cases also the tariff, railway freight, etc., are the limiting factors. As the economic improvement of the masses, particularly of our people dwelling in rural areas, is the most pressing problem before us, the question of rehabilitation of the small and cottage industries of Bengal and the promotion of new industries, which are expected to be most helpful for the purpose, have been taken up in all seriousness. In fact, the deplorable decline of rural industries has been largely responsible for the dwindling standard of living of the people which is pitifully low in comparison with the standard of living of other nations. Our ultimate object, therefore, is to bring about a steady and comprehensive industrial development in the countryside, preferably by the ruralisation of our industries, by virtue of which it will be possible not only to conserve the wastage of huge man-power available in the province but also to utilize our raw material resources. Our province possesses immense possibilities for industrial development but we should harness our resources, in both men and material, if we were to take the fullest advantage of these possibilities.

Sir, I hope you are fully aware of the magnitude of the various difficulties that face the small and cottage industries in our country. In these days of keen competition with the mass production of large-scale factories, both in India and abroad, the disorganised cottage industries can hardly expect to survive, unless special efforts are organised for infusing strength in them and thereby ensure their stability and progress. Every Provincial Government is striving hard for the development of cottage industries on a scientific basis, to modernise their productive technique and reorganise and rationalise their marketing arrangements by introducing bulk-buying and bulk-disposal of finished products and other auxiliary methods. These methods are expected to reduce costs of production and thereby make the cottage industry products cheaper and available to a wider public. We do not very much expect that our cottage industry products will sell in other countries and other provinces, for a growing tide of economic nationalism is already noticeable in other provinces. What we are aiming at is only to tap the Bengal market fully and to our fullest advantage.

In this connection I cannot help referring to the problem of reorganising our agriculture, for agricultural development is interrelated industrial expansion in many ways. While it ought to be our endeavour to grow as much food materials as possible which may

render the province self-sufficient in the matter of foodstuffs, we should endeavour to grow those crops which may serve as the raw materials for our growing industries. Agriculture and industry are obviously mutually supplementary and in order to bring about such mutual economic correlation, planning will no doubt be necessary. I should not enter into the subject any further, but suffice it to say here that for the economic amelioration of the countryside, our objective should be to stabilize the decadent rural industries and promote industries in new lines by the adoption of suitable measures.

In this connection, Sir, I would refer to the important role which co-operative movement can play in assisting a healthy and harmonious development of agriculture and industries in this province. As the workers in small and cottage industries are poor and unorganised, they cannot often pool their resources and labour to be utilised for their maximum advantage. Bulk-buying and bulk-disposal, which are the two essential parts of an efficient marketing arrangement, cannot be possible unless they know how to combine their resources in men and material for the interest of each and all.

In any scheme of industrial development, the need for an efficient system of technical and industrial education is no doubt very necessary. Unfortunately, in Bengal we have a system which cannot be said to be entirely scientific and well-suited to our growing requirements. It is our objective to co-ordinate our industrial and technical institutions in such a manner that they may render the type of vocational training that our young men should possess in the prevailing circumstances. It is my honest conviction, which I hope you will all share, that technical institutions cannot have any real utility if they fail to correspond to the needs and requirements of the people. It is from this standpoint that we have initiated measures to reorganise the Serampore Weaving Institute, jute-weaving, pottery, leather and other industries. I shall shortly present you with a short account of these measures for your information. Our objective is to afford such facilities of vocational training to our young men as will enable them to obtain an opening in some lines or other. Unemployment is a vast problem to-day and is daily growing in gravity and extent. The system of general education has no doubt tempted an increasing number of young men of our province to go up for higher education only to find with mortification at a later stage that there are no openings for most of them. It is our purpose to lay before our young men just entering the University, adequate facilities for industrial and technical education so that those of them who may like to pursue an industrial or business career may profit by them. It is indeed the imperative need of the hour that our young men should choose at a comparatively early stage a definite line so that their education and training may not prove to be unproductive in the long run.

I shall now make a short reference to the activities of my department.

During the time I have held charge of the office of the Minister of Industries, I have, in spite of the difficulties which I have just now described, set myself to the task of perfecting the organisation of the Department of Industries and expanding its activities in various desirable directions. We have at Serampore, a well-equipped institute for training young men in the technique of weaving with a view to enabling them to fill responsible positions in the mills and it is in my contemplation to start a mill operatives' training course at Serampore for the purpose of affording such training, to our young men as may make them fit for employment as operatives in the various jute mills of Bengal. When I took charge of the office of the Minister of Industries, I caused my department to institute an enquiry for finding out the possibilities of employment in the various textile mills of the province. In a statement which I made in the Lower House during the last Budget Session, I gave detailed facts and figures with regard to the possibilities for such employment. In order, therefore, to have a number of our youths employed in the textile industry of the province, I have prepared a scheme for the training of "mill operatives." Machinery which have been purchased for this purpose have already arrived from abroad and are in the process of being erected. It is expected that before long a full unit will be working, thus making possible the undertaking of a scheme of instruction whereby a large number of our own boys in this province will be able to acquire sufficient knowledge, both theoretical and practical, and eventually secure employment in the existing textile mills of the province. Two schemes for the extension of the Dye House and establishment of a Research Section at the Weaving Institute have also been sanctioned. In view of the great possibilities of dye-industries in the province these schemes are expected to produce quite far-reaching results based on experiments and research.

I have got another scheme sanctioned during the current financial year for enlarging the scope of training in respect of the leather industry of the province and it is expected that this new scheme when brought into operation will bear quite fruitful results.

Then, Sir, with regard to the silk industry of the province, measures are being adopted to reorganise its three productive branches, namely:—

(*a*) Production of better-yielding and disease-free cocoons.

(*b*) Improved reeling of raw silk.

(*c*) Better and more efficient methods of weaving.

The three stages are inter-dependent. The more the weaving, the more the consumption of raw silk; the more the consumption of raw

silk, the more the reeling; and the more the reeling, the more the rearing of cocoons. The Department of Industries has taken simultaneous measures for effecting improvements in all the three stages of production. It is not an occasion to give full details about the various items of the work that have been undertaken with a view to attaining the objectives that I have set forth above. I may only mention in passing that in order to improve the quality of reeling amongst the silk reelers of the province, a modern reeling institute, which is equipped with the latest type of reeling machinery, has been established at Malda.

At Howrah again, a Conditioning House has been established which will test raw silk and effect standardisation so that the sellers will know the quality of the silk they have produced and hence the price they may expect to get and the buyers will know what they are purchasing. Standardization, I need hardly mention, is bound to create wider demands for the products.

I am also taking steps to ask for necessary funds to be voted by the Legislature for another important institution at Berhampore. When established it will be one of the latest and most up-to-date silk technological institute where indigenous silk workers as also those who have an interest in the silk industry can work hand in hand for the development of the industry and consequent economic benefit of the whole province.

In order to improve and place on a more practical basis the industrial education of the province I have taken effective steps to augment the industrial grants-in-aid fund. The increased provision of funds has made it possible for the department to extend help and assistance to a large number of industrial schools in the province, many of which are situated in the rural areas of Bengal. I have also taken steps to reorganise the peripatetic weaving schools by enlarging the curriculum of instruction, by introducing, amongst other things, the training in modern methods of weaving and technique of dyeing and bleaching.

Three more important schemes that were put into operation during the year are the appointment of the Industrial Survey Committee, the establishment of the Industrial Intelligence Section and the starting of the Industrial and Commercial Museum with moving exhibitions.

The Industrial Survey Committee was constituted with eminent scientists, economists, industrialists and businessmen to make a thorough investigation into the existing conditions of large, medium-sized, small and cottage industries in order to assess their future possibilities and also to suggest lines of new development. The membership of the Committee is as representative as it is distinguished and we are particularly fortunate in having been able to secure the services of

Dr. J. Matthai, Director-General of Commercial Intelligence and Statistics, as its Chairman. Dr. Matthai is an officer of the Government of India with a proud and brilliant record of service and few can claim to talk with greater authority on industrial and statistical matters than him. It is also a matter of gratification that we have succeeded in getting on the Commitee Dr. Prafulla Chandra Ghosh of the All-India Village Industries Association. I need not refer in details to Dr. Ghosh, for what he has been doing for cottage and small industries of Bengal is well known. The Committee can indeed boast of having on it the representatives of all sections of opinion and I wonder if the membership could be better chosen. Naturally we are expecting that the findings of the Committee will give a definite lead in the matter of industrial development of the province in years to come.

The establishment of the Industrial Intelligence Section was again a very important development of the Department of Industries, for without a fully equipped Statistical section the department was feeling very much handicapped in the matter of compiling industrial data which are so very necessary for any progressive industrial planning. The functions of the section are briefly to carry out industrial surveys of individual industries and individual districts, to compile inter-district trade statistics, to prepare periodical reports on the compiled data and to provide industrial information to enquirers from within and without the province. The utility of this section will increase much more when the Industrial Survey Committee will have made its recommendations and outlined the possibilities of further industrial expansion, for it will then have to collect and disseminate industrial facts and materials more intensively and extensively.

The decision to establish an Industrial Museum and a moving exhibition was also quite in the fitness of things, since, for the purpose of giving impetus to the existing industries of Bengal the organisation of such institutions was a long-felt necessity. I am happy to be able to tell you this evening that the preliminary spade work has already been very efficiently done and within a few days we shall formally inaugurate the Museum and the moving exhibition. The Museum will be the rallying ground for all types of industrial products and will thus present to the public a complete picture of the industrial achievements and possibilities of the province. The Museum will also provide suitable charts, maps and pictorial representations of many economic facts and figures, along with models of industrial plants and machineries. An well-equipped library also is going to be organised as an annexe to the Museum. The moving exhibition again will be organised occasionally at different centres of Bengal and the party will move from place to place in order to educate the public on the

industrial problems of the province and to make our people industrial-minded. These institutions will, I hope, go a long way to impart an impetus to the industrial development of the province.

Sir, I apprehend that this short account of our policy and the programme of our activities during the last two years will not satisfy all of you. Your expectations must have been much more than what we have been able to achieve so far. But may I just impress upon you the fact that a Government cannot move as quickly as the electorates would like it to. There are accepted methods and procedures through which our proposals are to pass and to which our aspirations have to be adjusted. So, certain delays are inevitable and a gradualness in the execution of schemes is unavoidable. Subject to the limitations and difficulties to which I invited your attention at the very beginning, we have tried our best to promote the development of industries in the province. It is for you to assess the results and deliver judgment. I cannot claim that we have achieved very substantial advance or that we have done something remarkable, but I may claim just this that we have made beginnings along planned lines with real seriousness and honest intentions. I am afraid it will be asking for too much if you expect a Provincial Government to make the province as industrially advanced as for instance, Japan, within a short period of a year or two. Our economy is different from that of Japan and the conditions prevailing here are totally divergent from those obtaining there. Our ambitions may be large, but we are to adjust them to our resources, our requirements and our limitations. You will, I hope, appreciate these factors and difficulties and in the light of them judge whatever we have been able to achieve

Sir, one word more before I resume my seat. I would request you to remember that while Government may help the industrial development of the province to some extent and in some ways only, it is private enterprise which is the sure and sound foundation of industrial progress. Except in countries where Socialism is the accepted doctrine of the State, Government can never monopolise to itself all the responsibility of industrialising the land. To expect it is to expect the impossible and I would request you to consider that while Government has its responsibilities to carry out in the matter of industrial development, the wider public also have their own parts to play in the industrialisation of the country. Enterprise and capital, ready co-operation and willingness to take advantage of the industrial possibilities are all that is expected from the people.

Sir, I am afraid, in telling the hon'ble members how I have managed the affairs of my department during the last two years, I have drawn freely on their patience, time and indulgence and I would crave their pardon for the same. With the co-operation and encouragement of the hon'ble members I hope to be able to move further ahead

and break more grounds during the coming year and when time comes for my asking for the next demand, I think I shall have a still more encouraging account of my department to give.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, Sir, human psychology is intricate. I must go further and say that it is supremely difficult—almost impossible—to follow out the psychology of the Hon'ble Finance Minister in all its wanderings! Let me illustrate my point:

The fine peroration of his budget speech, in which he sought to enforce his deep concern for the Upper House has purplexed me. He asked the Upper House to firmly ride the unbridled colt of the new democracy to keep it on the right track, but he has not so far made any provision to enable the Upper House, through proper and adequate representation, to "poise"—I use his very expression—the Cabinet of the present Government by what he calls our "sane counsels and ripe experience"! He has gone further, he has even agreed to ignore the Parliamentary practice, well established in England, that when a Minister is chosen from the House of Commons his understudy is selected from the House of Lords and vice versa. On the other hand, the most modest demand of the Upper House to get one of its members elevated to the rank of a Minister with or without portfolio, to enable him to act with authority as the Leader of the House, has been cast to the winds and after nearly two years of its existence, one finds the Upper House still functioning without a Leader. I do not know whether the Finance Minister is the Leader of the House, but somehow or other he has not been able to make any pronouncement to that effect as yet or perhaps it is a secret. Well, this is a condition which is only possible when the Government of the day admits a feeling of security in an undue degree which enslaves its will and does not leave its judgment free. The two years that have gone by must have convinced anybody who is open to conviction that we are not anxious for the loaves and fishes of office, but we must fight for our rights and privileges and the dignity of the House; for they are dear to us and we feel that we can utilise them for the progress and advancement of our people.

The Hon'ble Finance Minister fears that the young democracy may at times plunge itself into a vortex of convulsion, into a political hysteria to adopt measures repugnant to all notions of justice and fairplay, and he appealed eloquently to the good sense of the Upper House and, for the matter of that, to the sober section of our people who connect their advocacies of political and legal changes with carefully-formed theories of the human nature, to prevent such a misfortune. His fear is perhaps legitimate—the perplexities of to-day are as embarrassing as any in our history and they may prove even more

dangerous. The renovation of Parliamentary Government, the transformation of the conditions of ownership and occupation of land, the menace of Communism, the limitations on free contract and the rights of the majorities to restrict the private acts of the minorities are only some of the questions which go to justify such a fear.

Our recent constitution has been drafted in the right royal spirit of Hebrewism. In its desires to raise up the masses, the constitution has practically declared a *jehad* against all forms of Hellenism or classes, —witness the inequitable changes which are being introduced to revolutionise the present system of tenancy legislation in every province in India, where landlordism has been tabooed and they are now hurled down into the depth of ignominy in the name of progress. The middle classes are also being sacrificed. The real tillers of the soil are soon going to be landless serfs. Preach equality by all means—a high Hebrew tonic for fermenting the solidified society for remodelling, but do not ruthlessly handle the life-giving forces, as the life-giving forces, always very tender, are subject to quick decay at the slightest touch, as it is the maturest part of the body-politic. In the name of humanity and common well being do not indulge in levelling up, pulling down, making a smooth surface, destroying heights and creating evenness; —a common stand-point, average in its outlook. The resultant effect would be the opening up of the vast firmament upon the heads, subjecting us to infinity, destroying thereby the shelter and mounds which served for centuries as tools of progress and advancement. For real unity and progress, better recognise the interdependence of our country's prosperity upon the prosperity of each class and community of which our nation is composed. Anyway, I must ask the Hon'ble Finance Minister in all seriousness to tell me what is the good of making an appeal like the one he has made to the Upper House unless he is determined to make such provision in his Budget as will enable the Upper House to make its presence and influence felt in the Lower House.

The Hon'ble Mr. NALINI RANJAN SARKER: Well, the provision is there. If His Excellency appoints the Maharaja as a Minister, there will be no dearth of money.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But your Cabinet is a cabinet of all-talents and I am intelligent enough to realise that I have no place in it. In any case, His Excellency is well-guarded by you and you know more than any one else how to drive the money of any grant through profitable channels of your own choice.

Sir, let me now put to another acid test the Hon'ble Finance Minister's captivating profession of unalloyed regard for this House.

He has always assured us that he would give the attention of his mind with a genuine feeling of interest to all our wishes and wants. From my place in the Upper House, I repeatedly pleaded for the establishment of agricultural colonies of educated young men as an evperimental measure—to make provisions for helping technical institutions, to advance industrial loans to enable young men with necessary training to set up small industries and agricultural farms, and I wish to know what the Finance Minister has done to give effect to my suggestions which were earnestly made to solve at least partially the grave question of unemployment which threatens to spell disaster to the youths of the land? The Minister in charge of Industries made a long speech—he was moving very fast—perhaps he equalled the speed of the American Express, but he left us as ignorant of what he had been doing as we were before he spoke. I also pleaded for the inauguration of such special institutions as will open new and lucrative avenues for our young men to explore and to build up a prosperous and honourable life on a sound and economic basis. I pleaded for such orientation or radical adjustment of our public instruction and for the adoption of such plans and methods of teaching as will enable our young men to derive the utmost material benefit out of their training.

I urged that the need of the present moment was to provide for scientific and industrial education on a large scale to go hand in hand with cultural education to enable our young men to build up their material prosperity upon the unyielding elements of honesty and righteousness. If I understood him aright, the Hon'ble Minister in charge of Industries said that students should be discouraged from pursuing University education. That, Sir, is very far from my mind, rather this is a real moment when our students should be drawn nearer to the University ideal, because India, or for the matter of that the whole country including Bengal, is now on the threshold of a new era, and it is essential that education which is the backbone of the nation should be imparted more freely and there must be expansion in all the departments of the University instead of restricting its activities in any way.

But nevertheless, what I pleaded from my place in the Upper House was, what I may call, bifurcation of studies according to the needs of the different classes of students. May I know if anything has been done in that direction? The Hon'ble Finance Minister told us that he is going to borrow one crore of rupees. I ask in all seriousness if he is going to do so for such purposes as I have referred to. Why not with one crore of rupees start an industrial and scientific university? Why not have industrial, scientific or technical institutions in all parts of the province including rural areas where it is possible to start an institution like that? What are you going to do with your one crore of rupees, I ask? Perhaps you will spend on certain matters which will

leave the nation where it is to-day and will not enable it to go further to march abreast with the progressive nations of the world.

Having regard to modern conception of the State's duty, I asked for the formation of a Commission of Enquiry to ascertain how far various proposals made from time to time for our economic advancement can be given effect to in Bengal and what other measures of lasting value can be taken to tackle the problem which is growing in size and complexity and what statutory actions are necessary to cope with the evil as it is to-day. I want to know why the creation of such an expert body has been postponed?

I pointed out from the Blue Book that in Bengal only 67 per cent. of the total cultivable area is actually under cultivation at present. If the whole available area is brought into use and up-to-date means and scientific methods are adopted to augment production, it may go to double the means of subsistence for the maintenance of the present population of Bengal and also materials for the general industrial improvement of the province on a very large scale.

I should like to know if the Hon'ble Finance Minister has done anything to give effect to my suggestion in order to produce more food for the increasing population of Bengal. Has he, as I urged on him in the past, provided foundations for up-to-date and well-equipped State organisations with requisite funds to initiate, guide, aid and augment enterprises to effect the economic development of the province on a scale commensurate with the magnitude of the present depression? Has his proposal to borrow a colossal sum anything to do with such reforms?

I suggested that Government should have up-to-date statistics with reference to unemployment in Bengal, that such statistics should not only be all-comprehensive, but should also be so scientifically tabulated as to fall in line with the general current of economic events, that in Bengal as in the other advanced States of the world, there must be a department or bureau for unemployment and there must also be a Standing Committee in Bengal, recognised by the Government, to effectively deal with the problem of educated unemployment, and to prepare and maintain on modern scientific lines a comprehensive register of the unemployed with necessary details of each case. I should like to know if the Hon'ble Finance Minister has made any provision for this much-needed reform.

Need I remind the Hon'ble Finance Minister that from my place in the Upper House I fervently appealed to him to make liberal provisions to enable our boys and girls to march abreast with the progressive nations of the world for physical fitness? I see a smile on his lips. Perhaps he wants to take it light-heartedly. Last time he did not hesitate to say that because I was the President of the Indian

Football Association, I could not help bringing up such matters. But to-day, I am in a position to tell him that I have ceased to be the President of the Indian Football Association, but I shall not cease to labour to make our boys and girls physically fit, judged by the world standard. Any way, I pleaded for more playing fields, gymnasiums, open-air swimming baths. The Hon'ble Finance Minister on that occasion told me that in the rural areas, flood waters are always available to our boys and girls. A fine suggestion indeed! A masterly grasp of the situation no doubt! I wish he could understand that it was not merely for the sake of games and sports or merely to satisfy the irresistible ambition of our boys and girls to reach the top in the world-race for athletic supremacy but also to make them physically fit for industrial and agricultural works, for military and police duties, that I am so anxious to see their body properly built up. But what has the Hon'ble Minister done in this direction?

In modern age, physical training in gymnasium has been revived by Germany. I am sure the Hon'ble Minister knows that. It was not until the end of 19th century that it was recognised in England. In Germany, the Government not only controls the practice of gymnastics but makes it compulsory for every child and adult to undergo a prescribed course of physical training. In France, Sweden, Denmark, Italy, Switzerland and Russia, physical training is under State control. It was rightly observed by Mussolini that "nations which neglect those physical and moral values which make the sum total of power are not destined to hand on a great civilisation to posterity". We need a huge staff of specialised physical training instructors to build up the nation. Our physical culture activities are to be organised on a national basis and should be in charge of a responsible Minister for Physical Education. I see that smile on the lips of the Finance Minister again. But a day will come when he will realise that funds must be provided with a view to evolve a complete system of physical education and athletic training in this country. Such a machinery is long overdue and it will be criminal to postpone its creation to the Greek Calends. We must make laws and conditions to build up the nation's health. Is the Hon'ble Finance Minister going to spend his borrowed crore for such nation-building purposes?

Bengal is still hopelessly disorganised in matters of physical education and athletic training. In all civilised countries of the world, physical training is under State control. It is high time that the Bengal Government should make up its mind and be up and doing to build up our man-power. There must be a State central health and sports bureau which will be the axis on which all organisations of sports and physical culture of Bengal will revolve. My scheme for a sports stadium is lying on the archives of the Writers' Buildings for nearly two years and if it is approved and given effect to, it may be made to

unify all provincial organisations into a homogeneous whole through co-ordination and standardisation. May I request the Hon'ble Finance Minister to give his attention to this all important matter without delay?

Major-General Lindsay, Commander, Presidency and Assam District, in the course of an important speech which he made a few days ago at the opening of the Indian School Sports Association said in his characteristic way, "what is wanted in a great League of Youths marching towards the goal of physical fitness, and the ideal of helping to ensure a fit posterity by being fit themselves. Thus is a race made virile, so why not create a Youth Movement, a National Organisation and Council and a National Institute of Physical Education for the whole country".

These words are pregnant with great possibilities, great wisdom, and I think the Finance Minister would think twice before he rejects this suggestion coming from a great soldier, a man of great wisdom and experience.

Then again, can we, I ask the Hon'ble Finance Minister in all seriousness, shut our eyes to the fact that when other nations of the world are busy in framing Five-Year or Ten-Year Nutrition Plans, our Government has no clear idea of what it should attempt to achieve? Will he ponder over this problem and freely spend money over its solution?

In the past, from my place in the Upper House, I pleaded for the formation of a Federation of Zemindary Estates, with each estate as an autonomous unit in its constitutional frame-work, governed by certain common laws and principles for the general good and well-being of the country. The idea is to reorganise the Zemindary system on a co-operative basis within the scope of the permanent settlement for the benefit of all within the sphere of its activities. One of the chief objects of such a Federation, I pointed out would be to inaugurate a common agricultural and industrial policy on modern and scientific lines, to be pursued by the Federal estates so that concerted actions by them may be made possible for comprehensive agricultural and industrial improvements to the lasting benefit of both land-holders and tenants so that new avenues of employment may be thrown open to the educated youths of the middle class within the limits of the Federation. It will, I repeat, go to augment the resources of the people, provide lands to the landless tillers of the soil and to such tenants as are too poor to meet the requirements of the Federation like the one I have outlined, and bring new revenues to the coffers of the State. The Hon'ble Finance Minister is anxious to impose fresh taxation, why not try this way to raise more money by levy on improvements? It is no good flogging a dead horse. I do not think you can impose further

taxation on land. But why not try this scheme? Why not try to improve the agricultural lands? Why not try to cultivate the cultivable land which has not yet been cultivated, and thereby increase your income, and also increase your vitality to help the nation-building departments. The capital expenditure required for the formation of such a Federation and for agricultural and industrial developments within its jurisdiction, I pointed out, could be raised by loans, guaranteed by Government, either in India or in foreign countries.

May I ask the Hon'ble Finance Minister whether he has given his thought over this matter and to tell us if the one crore of rupees he proposes to borrow and also the money that he hopes to get by imposition of fresh taxes will be devoted to a noble purpose like this? Government should not only strive hard to solve problems connected with imposition of taxes and collection of revenue, but should also make liberal provisions for such all-round improvements by way of productive works as may enable the people to pay them. Tinkering with land laws I must say will not solve the poverty problem of the tillers of the soil. Will the Hon'ble Finance Minister bring this matter before the Cabinet and see that the Land Revenue Commission may thoroughly explore the suggestion and recommend the abandonment of such laws as may be hostile to such a consummation and formulate such measures, to be ultimately placed on the Statute Book as may lead to the fruition of the scheme outlined? The list of my suggestions, made in the past, has already become a long one and I do not propose to embarrass the Hon'ble Finance Minister any further by spinning it out to a greater length for the purpose of my acid test, as I have termed it. I am afraid he shall have to confess that he did not find it possible to do anything with reference to those suggestions, in spite of his great regard for the Upper House. Let me tell him that we want his active and not lip-deep sympathy. We refuse to be hood-winked or ignored. The feeling is growing stronger and stronger every day, that the Upper House must mobilise its strength to direct its will and energy through the right channel to achieve those results which loom large on its intensified vision.

Now, let me make out one or two new points. With your permission, Sir, I shall say a few words with reference to the all-important and all-absorbing question of education. I am disappointed to find that the Budget is not an inspiring one in respect thereof.

This has shocked me, as only a few days ago, the Hon'ble Home Minister made rather an astounding statement with reference to my friend Rai Bahadur Keshab Chandra Banerjee's motion pressing for a fair representation of Bengalees in the Civil and the Military Services under the Government of India—that Bengalee candidates for appointment to these services are showing lamentable lack of efficiency at competitive examinations, that they even run away, take to their heels so

to say from such examinations, because they were not competent to face a trial! In my considered opinion there is no sign of intellectual degeneration or stagnation in the life of our students. The highest educational authorities of the day have had to admit that the average of our University students are intellectually as keen and their mental power is as much creative as those of the students of other Universities in and out of India. But if Government thinks otherwise, then, why no provision has been made to create a Commission of Enquiry to find out the cause of the deterioration? We must know what should be done to arrest the rot, if there has been a set-back. Will the Finance Minister provide sufficient funds for this? Would he see that teachers with "minimum qualifications"—as they often say—are not appointed on communal or any other grounds? We must employ the best possible teachers——

Education builds up the back-bone of a nation and it is sure to be weak and defective if we allow the efficiency of the instructive staffs of our educational institutions to be in any way seriously impaired. In the sphere of education we need the very best of men to cleanse the grates of our Universities and to stimulate their sluggish coal into activity. To return to competitive examinations, this House should like to know how candidates are selected and the Board of Examiners constituted. Do the best of our students always get a chance purely on grounds of merit?

To emphasise the need of a much larger number of well-trained teachers in our country, I may point out that, whereas the Universities in India can afford to employ only one teacher per 361 students, the Universities in England maintain one teacher per 10 students, and the Universities in the United States and Germany one teacher per 14 and 16 students, respectively. These facts, I feel bound to say, are, collectively, a sad commentary on the conditions prevailing in India in respect of education. Those who are at the helm of our affairs can ill-afford to forget that in England there are, roughly speaking, no less than one hundred and eleven training institutions for teachers and if our population is compared with that of England the shortsighted policy followed here in this respect must appear to be ridiculously preposterous and must stagger all observant people interested in the welfare of this country. Will the Finance Minister provide money to mitigate this evil so far as Bengal is concerned?

Then again, a residential University, and for the matter of that, all residential educational institutions which are units of that university are best able to create for our students an atmosphere which is conducive to their moral, intellectual and physical welfare. A speedy reform of an universal character in this direction is essentially necessary and is bound to come in the near future. The Report of the Universities Commission of 1902, the Universities Act of 1904 and successive

reports of the Local Governments and of the Imperial Government have perhaps indicated in an unmistakable manner the path to be followed for the realisation of the residential ideal. Will the Finance Minister spend the one crore of rupees which he wishes to borrow, to realise Bengal's dream to give her people a corporate life and effect Hindu-Moslem unity through the medium of residential educational institutions?

Sir, I have done. My criticisms have been perhaps strong, but let not the Finance Minister doubt even for a moment that I have said so much only because I consider him to be one of the most skilful of Bengal's financiers, able to do a lot for Bengal. Such being the case, I really do not wish him to tolerate the real issue in budgeting being obscured by a spirit to catch votes, or for that matter, by party demands and mandates. The other day, Dr. Mookerjee characterised his budget as an accountant's budget——

The Hon'ble Mr. NALINI RANJAN SARKER: Or rather as the book-keeper's budget! for an accountant's budget is on a higher plane!

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But the Finance Minister, I sincerely believe, knows that the account book may record every expenditure and may be very carefully balanced, but the budget should tell us how the money ought to go before it is gone. It should formulate plans and policies for the future,—it must apportion fluctuating items from past figures—determine upon the amount of savings for the year, and provide money for various expansions calculated to make the country great and its people more prosperous. I also believe that with a little more care and forethought he should be able to stretch the income of Bengal to keep her out of debt or fresh taxation. I still hope that he will give up the idea of drawing blood out of stone, or flogging a dead horse to move between the shafts. Let him take into consideration the present gloomy economic outlook of the country and prevent by all means the equillibrium of our economic life from being completely thrown out of gear.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I cannot help admiring the noble sentiments of the Finance Minister. On page 37 of his Budget Statement he said, "Is it too much to expect that any measure conceived in the interests of the masses whose amelioration is the primary objective of all parties, should receive the active support of every shade of public opinion". I would have offered him hearty congratulations had he translated these noble sentiments into action. Who are these masses—the *raiyats* and the working classes of Bengal. Of course, I leave the

problems of the agricultural masses to be discussed by mufassil members. I would simply state the case of the working classes, and specially industrial labour. Members of this House hardly realise the importance of the portfolio of labour which has been created under the present constitution for the protection of Bengal's working classes. For some time past public leaders believed and even now they believe that India supplies only raw materials for manufacture abroad. It is no longer so. The industrial importance of India was recognised by the League of Nations and the International Labour Conference and a seat was allotted to her on the governing body of that conference and my friend Mr. Joshi, a nominated labour representative, occupied that seat. That India is one of the leading industrial countries of the world has been well established and Bengal tops the list of India's industrial provinces. Bengal is no more a mere supplier of raw materials. Bengal manufactured exported jute fabrics to the extent of 42 crores of rupees in 1924 and this increased to Rs. 56 crores in 1929 when price of jute was Rs. 76 per bale and then paid something like 8 crores of rupees as wages and salaries of about 3 lakhs of employees excluding labour for baling jute. The export value of jute manufactures fell to Rs. 30 crores last year as the price of jute declined 100 per cent. This is equal to 2½ times the revenue of Bengal. Manufacturers of tea in the Duars, Jalpaiguri and Darjeeling export about Rs. 5 crores of worth of tea, planted and made by more than two lakhs workers who draw at least two crores of rupees as wages. The coal industry in Burdwan district absorbs over 50,000 miners, more than 60,000 lascars man the ships entering Calcutta and Chittagong ports—cotton mills are growing every day, and more than 40,000 workers are employed in those mills. Transports including broad gauge and light railways, tramways, motor vehicles and inland navigation provide work for at least 60,000 hands. I am only giving rough figures. There are scores of small industries—engineering, electricity, chemicals, rice-mills, iron works in Kulti and Burnpur. Large quantities of pig iron are exported to Japan and Britain from Bengal Iron Works and I would roughly estimate that at least one million workers are employed in large and small organised industries. At the lowest rate of Rs. 120 a year, the wages bill of Bengal is 120 millions of rupees or 12 crores which is equal to the present revenue of Bengal. Is it not simply ridiculous that the Finance Minister has only provided Rs. 96,700 for the administration of Commerce and Labour Departments? Is it humanly possible to look after the interests of a million workers with the help of a couple of officers known as the Commissioner and the Assistant Commissioner of Labour, and a few clerks—and yet the Finance Minister said that his Budget has been designed to benefit the masses of Bengal? The machinery of administration for protecting the interests of one million workers should be adequate with experienced officers and staff to deal with statistics of factories,

mines and plantations. An up-to-date Labour Bureau for preparation of family budgets and cost of living index should be started. Bombay is far ahead of us in this respect and has a good Labour Bureau. Health, housing and welfare of labour should also be given due attention. Strikes and deadlocks have become the order of the day. They are the veritable sources in the absence of pucca trade unionism for collective bargaining of unspeakable misery of workers and starvation and pauperisation due to unemployment from discharge. Most important of all machineries to deal with strikes or trade disputes are known as conciliation machineries. The Royal Commission on Labour have emphasised the urgency of appointing conciliation officers. Hitherto official intervention appeared on the final stage of the strike, committees and tribunals have been set up at the last moment as in the cases of the iron workers' strike at Kulti and Burnpur and the shoe factory at Batanagar. They serve the purpose of something like a *post-mortem* examination. To quote the report of the Royal Commission: "We would emphasise the fact that the most useful form of State assistance in dealing with trade disputes is scarcely employed in India. It is at the climax of the dispute when the parties have completely failed to reach a common stand-point that settlement is most difficult. The need of qualified officers to undertake conciliation is great in Bengal". Here I must sound a note of warning to the Government that the police and military officers are not qualified for these jobs unless they undergo special training. The police man or the army man has very vague ideas about the psychology of workers' mind and the conditions under which they work nor do they know the influences and environments that surround mill areas. It is my firm conviction that many thousand jute workers who participated in strikes during the last two years and lost lakhs of rupees in wages would have fared better had they received any assistance from Government conciliation officers. Recent events in Tittaghur jute mills are indications of how poor mill hands are exploited not only by politicians but by the communalists. About the middle of November, half a dozen mill hands of a jute mill in Tittaghur were dismissed for insubordination. Politicians got busy and instead of investigating why these men were victimised, they promoted lightning strikes in all the local mills in that place causing starvation to more than 30 thousand workers for weeks. *Badmashes* were imported, communal passion was roused to its highest pitch, and there was Hindu-Moslem tension among mill hands resulting in murder. For the first time in the history of jute labour movement, the poison of communalism was injected by designing persons. Sardars, shop-keepers, money-lenders, landlords, goondas, communists, and communalists seemed to have vied with one another in exciting and exploiting local labour. The armed police checked the riot, but neither the Subdivisional Officer nor the jute companies' labour officer could prevail upon the strikers to terminate the strike. The

unprecedented feature of this strike was that a majority of the strikers were Hindus. The Muhammadans who constituted nearly 40 per cent. of the mill hands were unwilling to continue the strike, but the strike dragged on for six or seven weeks. Rashtrapati Bose, the President of the Congress, intervened and issued statements as if the employers introduced communal hooliganism in order to divide the workers, but the facts disproved such statements. The politicians vainly tried to make out that this local general strike was due to the jute ordinance. Communistic propaganda was at the back of this strike. The disastrous consequence of this local strike was that more than a thousand Madrasis lost their jobs and they were replaced by willing Moslems. The employers tried their best to restart the mills and opened mill gates day after day; but the Hindus, specially the Madrasis reputed to be most gullible, failed to enter the mills. These poor fellows and their dependants have become stranded at Tittagurh. Responsible Hindu leaders of Tittagurh have told me that the real victimisers were the agitators who were bent upon dislocating labour and not on welfare of labour. My point is that if the Ministry of Labour had adopted the recommendations of the Royal Labour Commission and had at its service impartial and experienced conciliation officers to advise the workers, this thoughtless strike would not have come about or would have ended within a few days. The huge loss in wages amounting to 10 lakhs of rupees, not to talk of employers' loss of at least half the amount as well as the loss of lives over sudden outburst of communal passion, would have been avoided. Revolutionary propaganda is carried on under the banner of communism in mill areas and slogans "Down with British Imperialism", "Down with Foreign Capitalism" are shouted to incite the ignorant workers, but is it not the business of the Government to check this by counter-propaganda through its departmental officers and thereby protect the bread and butter of wage earners? Why should Government continue to rely on unreliable police reports and employers' version? And yet the Hon'ble Finance Minister said in his statement that protection of the masses is the primary objective of his Government and he provides only a paltry sum of Rs. 96,700 for the administration of the Labour portfolio.

The Finance Minister hopes to tap a few extra lakhs from jute duty and income-tax, but his hopes will be shattered if fresh deadlocks occur in manufacture of jute. In fact, left wing nationalists under the new regime are contemplating a general strike of jute workers in the near future. The Hon'ble Minister should note that an export duty of Rs. 20 to Rs. 32 per ton on sacking and hessians manufactured in our jute mills will not be realised if such general strike comes off with financial assistance from the speculators.

I hope I have not overtaxed the patience of my fellow-members and the Hon'ble Finance Minister. I would not conclude by a reference

to the two taxation proposals of the Finance Minister calculated to bring 12 lakhs of rupees. Is it worthwhile to tax professions and trades and callings and add fresh burdens on the slender income of middle-class traders, lawyers, doctors and brokers? Does he not realise that in these days of depression most of them who have to maintain genteel appearances and somewhat artificial standard of living cannot make two ends meet even with incomes of more than Rs. 2,000 a year? I have advocated for the last 18 or 19 years that the last objectionable and most easily realisable tax was succession or death duty. Why did he not think of raising the rate of probate and succession duties and introducing a graduated tax on estates of deceased persons? In all civilised countries, this form of taxation on large estates has proved to be most equitable and yields large income.

At my instigation and continuous questioning, an enquiry was made by the late Sir John Kerr, Finance Member in 1922, and I believe he estimated a revenue of something like Rs. 50 lakhs on graduated scale rising up to 33 per cent. on estates above 10 lakhs of rupees. In Bengal there are many millionaires and Rajas and Maharajas who leave large fortunes and estates for adopted sons to squander away without making charitable bequests. Only recently the late Sir Rajendra Nath Mookerjee left big fortunes——

Mr. PRESIDENT: Order, order. I hope the hon'ble member will keep to his own words, instead of 10 minutes he has already taken 15 minutes.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: One minute more, Sir, and I will finish.

Only recently the late Sir Rajendra Nath Mookerjee left big fortunes. So did Sir Onkar Mull Jatia and Sir Hariram Goenka, not to talk of other millionaires and multi-millionaires, Britishers and Indians who died leaving vast fortunes in Bengal. A share of that fortune in the shape of death duty would help a lot in the introduction of primary education. Many estates in Bengal have evaporated over succession suits for payment of lawyers' fees up to Privy Council and should have been taxed for the benefit of the community. With these words, Sir, I resume my seat.

Mr. KHORSHED ALAM CHOWDHURY: Sir, whoever has ever made any speech on the Budget has felt the difficulty of an actor on a stage with an empty auditorium. It is attention, appreciation and willingness on the part of the audience that encourage the speaker on a platform and the actor on a stage to perform his part satisfactorily. A budget speech on our part is nothing but a cry in the wilderness. It receives response mostly in the shape of indifference, if not ridicule. In the House where we are sitting we are expected to play the role of

critics having no hand in addition, alteration, omission or introduction in the Budget. The provision for such abortive speeches is an insult to this House. Our experience in the past does not encourage us to believe that the speeches on this floor will have any effect on the Treasury Bench.

The speech delivered by the Hon'ble Finance Minister at the time of introducing the Budget this session is full of pessimism. The Finance Minister has got to work within limited resources. But when he speaks of the lack of civic consciousness, one feels inclined to ask him what he or his Government has done for the removal of this defect. I am not a Congressman only because I cannot lend support to its policy and politics entirely. If the working of the Congress could be split up in different departments, I would have unhesitatingly joined that department of its work which is devoted to the awakening of the civic consciousness of the people of this country. What they have done up till now may not be sufficient for the requirements, but is undoubtedly laudable on their part. If the Government could make provision for free and compulsory primary education to liquidate illiteracy in the province without fresh taxation, we could admire the present Ministry, as that would be the surest means of developing civic consciousness among our masses. The complaint of dearth of competent men to cope with the problem and to pursue schemes in furtherance thereof is not at all tenable in a province which has produced men whose services have been requisitioned in other provinces in India and even in Soviet Russia. What they are doing for others they will not certainly refuse to do for their own country. The Hon'ble Finance Minister will, I am sure, say in reply to this that the resources of the Government, as they are at present, are too limited to provide for free and compulsory primary education and that although the Government has kept before it the idea of introducing the system of free and compulsory primary education, it cannot take up the project without fresh taxation which is sure to meet with unpopularity. This reply naturally direct our attention to the Budget in which we notice no departure from that of the previous years. It is not possible to enter into detailed discussion of the whole Budget. Hence I shall take up only a few heads.

We find that a huge sum has been provided for the presidency police. In Calcutta, an enormous sum of money goes to meet the salaries of Sergeants who are nothing more than glorified constables with some difference in the complexion of their skin but with very little education. They get more than the Sub-Inspectors do. On much less than the salary paid to a Sergeant, we can have educated Indians. If no distribution of colour is made in this grade, we can save money and at the same time solve the problem of unemployment to some extent.

Next comes the Department of Public Works. In this department

also a huge sum has been provided to be spent for the construction of new buildings. I cannot congratulate the Hon'ble Finance Minister on such provision when he pleads insufficiency of funds for more urgent and important nature of work.

We expected the organiser of the Hindusthan Co-operative Insurance Company to introduce something new and encouraging in the budget of this year of this bigger Hindusthan. But unfortunately it has fallen far short of our expectation.

In the concluding paragraph of his speech the Hon'ble Finance Minister shows that he realises the importance of courtesy where it costs us nothing; and nobody can find fault with him for any lack of courtesy towards this House. But does he not realise that the wishes of this House of Elders are more for being laughed at than for guidance or check? Only the other day, the Right Hon'ble the Agha Khan, enjoying the reputation of a world politician, made some observations regarding the duties and functions of the Upper House and he has also given a hint that if the Upper House goes on working in the way it does, the Government will consider whether the continuance of this House would be a desideratum. The Hon'ble Finance Minister has said that this House will be a check on the other House. But the way in which the wishes of this House are treated by the Cabinet shows that this House exists only in name and its prescribed functions are only a pious wish in the Statute. If things go on like this, the sooner the prophecy of the Right Hon'ble the Aga Khan regarding its abolition comes to be realised, the better.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the third budget—a deficit budget for the year 1939-40—has been presented to us. It smacks of Imperialism as of old. No change has been brought about in its outlook and design. The same I.C.S. has been maintained with sumptuous allowances, and increasing judiciary to uphold them and the police with all its powers and prerogatives to guard them. The state machinery is in its full swing to keep the Imperialists and the capitalists in domination over the masses and at the cost of the latter.

The Budget shows that the expenses under the heads (1) Police, (2) Civil Works, (3) Superannuation allowance and pension, (4) Interest on debts and (5) Jails and convict settlements alone, amount to about Rs. 6½ crores almost half the revenue of Bengal, which is about Rs. 14 crores. These expenditures are purely unproductive and more beneficial to the rulers than the ruled.

The Budget has been prefaced by a speech, which is more of a political propaganda on behalf of the present Ministry than a financier's statement. To cover up the defects in the Budget and the shrewd policy of the Cabinet to avoid meeting the just demands of the public,

the Hon'ble Finance Minister has introduced abstruse political theories and discussed them at length more suitable in a class room than in the Chamber of Legislature. As a reputed actor on the political stage of Bengal, he expresses melodramatic anxiety for the general welfare of Bengal but carefully avoids to present any militant scheme before us to fight the mass illiteracy, unemployment of the middle class, agricultural and industrial backwardness compared to other nations of the world. He shelves all these problems for the present pleading the poor tax-paying capacity, want of civic consciousness and in elastic revenues of Bengal. In spite of seeming solicitude for the masses, the Budget has reproduced like a mirror, how the Ministry have, at every step, betrayed popular cause for their self-preservation. They have made distribution of funds and appointments in public services (even in the sphere of education) on party lines, which will result in inefficiency and undue increase in the cost of working the administrative machinery without equivalent benefit to the tax-payer and there has, in fact, been an all-round increase in the expenditure side of the present budget. The Government thus will be guilty of economic injustice and fostering the growth of communalism in place of nationalism, which is and should be the goal of all civilized Government.

What brilliant record of work the Government can show to the public regarding nation-building departments?

The Government, although professes to be a popular one, has not yet planned for spreading free and compulsory primary education for the general mass without any distinction of caste, colour or creed, but is not slow in creating separate funds for schedule caste, purdah college, and Anglo-Indian and European education and Hall for Muslim students.

Can we not solve our primary education problem by starting a network of day and night classes in thatched cottages on purely Indian style all over Bengal just to impart education to boys and girls in the three R's only and to implement same by broadcastings and lantern lectures occasionally? Teachers can be recruited locally and also from Congress and other social organisations, viz., Bratachari Associations, etc., on a mere pittance. Expenses will be negligible compared to Government institution to serve similar purpose. To inspire confidence in people, Government must take them into confidence.

Nothing has been done for irrigation which is a crying need of Bengal. The people will die out of disease and starvation if the irrigation system and waterways are not properly overhauled and regulated. Sir William Wilcox extremely deprecated the irrigation system of Bengal, but saw great possibilities if the problem could be tackled properly. He hoped that given proper attention, the lands of Bengal would be as fertile as the banks of the Nile in Egypt.

More agricultural development on scientific lines is preferable to that of highly industrialised state of our country unless they are absolutely owned and controlled by State. Public bureau should be opened to disseminate agricultural and industrial informations among rural population to teach and give them incentive to launch into small, cottage industries and revive what are dead to cater to the needs of districts.

The budget has added a burden of 1 lakh and Rs. 30,000 for publicity arbitrarily. Instead of exploiting the department for trumpeting ministerial *coup de tat* and less important affairs, why should it not be a vehicle for giving publicity to the said agricultural and industrial and educational bureau?

Last year Rs. 12 lakhs were spent for working the Debt Conciliation Boards. Although they are of doubtful utility, Government demand a further grant of Rs. 9 lakhs. Persons, who are far from being cultivators, i.e., even zemindars are taking advantage of the Boards, which in the near future, are bound to react against those for whose benefit they are set up. The village *mohajans* are now refusing to lend money to peasants on mortgage in times of needs unless they execute a *kobala*.

Instead of such Boards, could not Government start a few rural credit banks with the money provided under this grant. If a Government guarantee is given, public money would flow in and keep the banks going. Then, banks will serve the double purpose of financing the cottage industries and the insolvent peasantry.

Could not Government nationalise some of the industries of Bengal, specially of Calcutta only, viz., electricity, telephone and tramway. The Central Government has fast been nationalising the Railways of India and realising large receipts: what objection can there be of the Bengal Government to this proposal? They are likely to prove permanent and stable sources of revenue for Bengal.

By retrenchment: I request the Government humbly—

(*a*) to make personal appeal in the name of Bengal to the members of the Indian Civil Service to agree to a voluntary cut in their emoluments as in Madras,

(*b*) to accept the recommendations of the Swan Committee in full, and

(*c*) to put up stubborn fight with the Central Government and send representation to the Secretary of State to obtain major portion of the revenues of Bengal, which are realised by the Central Government at least for 10 years for the present.

To cope with the unwarranted and unjustifiable increase of expenses, the Ministry proposes to impose two taxes which will yield Rs. 12 lakhs and without which the schemes of the Ministry will not be complete.

(1) An exaction of Rs. 30 in the nature of a poll-tax on all payers of income-tax. It is repugnant to modern legislation and financiers discourage imposition thereof. So much so, its use has been prohibited by law in the various States of America.

(2) On dog-racing, the Ministry has hit upon a policy of backdoor method of legalising an illegal matter. May I ask the Hon'ble Finance Minister and his colleagues in the Cabinet if they are aware of the popular resentment expressed against dog-racing both inside and outside the Legislature? Was it not stopped once in response to same? How was it revived in spite of the existing legal bar? Is it a fact that the Calcutta police authorities vehemently protested to the District Magistrate, 24-Parganas, against the continuance of dog-racing at Behala being contiguous to Calcutta on the ground that it contributes in no small measure, to the increase of crimes such as burglary and thefts in Calcutta? Is it a fact that the Chief Minister's dogs are running and winning money-prizes there? Is it also a fact that prominent M.L.As. belonging to the Coalition Party have been appointed directors of the dog-racing? This illegal institution is generally frequented by poorer class of people, the entrance fee being small. Let the hon'ble members judge for themselves whether we should expose the poorer class of our people to the temptation of public gambling, spoil their morals and drive them to crimes? If these facts are true, will it be just and proper to impose this tax and fill up the Government treasury with its proceeds?

It was argued in the past and may be argued even now by the Finance Minister that the Congress provinces could not turn out a very much better budget in quality than his. If they, in spite of their selfless spirits and their eagerness to stake everything for the betterment of moral and material welfare of the people, could not turn out a better budget, it is not possible to do so within the circumscribed limits of Government of India Act, 1935. They took up the responsibility of running the Governments of different provinces, not admitting the reforms as adequate or sacrosanct but to give them a fair trial only Their failure will demonstrate the utter hollowness of the reforms unless it is proved against them that they are guilty of maladministration and nepotism.

Mr. PRESIDENT: Order, order. The Chair fully appreciates the desire of the hon'ble members to take part in the Budget discussion and has also taken note of the feeling of disappointment among those members who have so far failed to catch the Chair's eye. But they should note that there is no rule whereby the time allotted to a member

who wishes to take part in the general discussion of the budget, can be limited. To enable the hon'ble members to have a full discussion, the Chair is quite willing to sit after 8 p.m. or 8-30 p.m. and continue till the small hours of the morning, if the House so desires. I have always consulted the leaders of the different parties on this matter before and, if they are prepared to have another sitting to-night, I, for my part, am quite ready to do so in order to give the back-benchers a chance of discussing the Budget. In regulating the debate on the budget, the general practice which is followed everywhere is that those hon'ble members who are supporters of the Government usually do not take much part in the budget discussions and more facilities are given to the members of the opposition. I have tried my best to call members from all the parties and given chances to the supporters of the Government as well as to the Opposition to speak. But if there is no convention to be observed in this matter, then the Chair is absolutely helpless. As I have said, hitherto I have always consulted the leaders of different parties before deciding about a night sitting and if they agree in this instance, I shall be quite glad to come back at 8 p.m or at 8-30 p.m. and then sit the whole night if necessary to finish the Budget discussion.

Mr. KADER BAKSH: Sir, will you kindly remember that members of this House who are supporters of Government were not consulted at the time of framing the Budget. They did not know previously what provisions were made in the Budget and therefore they should be allowed to discuss the Budget from their own point of view. They had, therefore, as much right as any other member of the House to discuss the Budget and their claim should not be slurred over.

Mr. PRESIDENT: I now note that supporters of the Government in this House were not consulted when the Budget was framed. However, in the first instance, I had consulted the Government whip as to who would speak from their side and I have tried my best generally to call up members who happened to catch my eye. I could do no more. As I have already said, I am quite prepared to sit at night to-day so as to give everybody a chance to speak. This will give the House a fresh ground of impressing upon the Government the need to have a separate Chamber of their own, so that they could sit as long as they liked.

Mr. KADER BAKSH: Sir, we are not prepared to sit at night.

Mr. HUMAYUN KABIR: May I suggest that we make the Government realise the urgency and gravity of the question of having two separate Chambers by sitting up to 5 o'clock, no matter when the Assembly sits?

Rai KESHAB CHANDRA BANERJEE Bahadur: We have no objection, Sir, to sit after 8-30 p.m.

Mr. KADER BAKSH: I suggest, Sir, that we continue till 5 p.m. at least.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. President, Sir, the Hon'ble Finance Minister deserves our congratulations on the time and labour he has bestowed in the preparation of the statements made before the two Houses of the Legislature in connection with the Budget Estimates for 1939-40. The statements like their predecessors are really fine literary efforts, but the arguments he has advanced in support of the Government's policy will fail to carry conviction with the student of practical politics. Theories are all very good so far as they go, but their soundness can be judged only in their application. There is nothing in the Budget figures which is calculated to inspire us with optimism for the future: the economic prosperity of the agriculturists is yet a dream never perhaps to be realised and the prospect of expansion of the works of public utility is as removed as ever.

In the first place, the proposal of fresh taxation will hardly commend itself to any right-thinking person having regard to the period of depression through which the province is passing as a result of the disastrous floods of 1938. The Hon'ble Minister has himself admitted that the continuance of the economic depression up to the end of summer and the occurrence of floods thereafter have depleted the resources of the Government. Decline of revenue on the one hand and the adoption of ameliorative measures on the other are held to be responsible for the present state of the Government's finances.

To augment their resources, it is proposed to impose a tax on professions, trades, callings and employments. In outlining Government's policy of finding money by fresh taxation, the Hon'ble Finance Minister has expressed the opinion that the taxes mentioned in List II of the Seventh Schedule to the Government of India Act, 1935, are not many and that the sources of taxation are inadequate. I regret to have to join issue with him; on the contrary, the Provincial Legislative List No. 2 and the concurrent Legislative List No. 3 contain all conceivable objects of taxation. Circumstanced as we are, any further burden of taxation will, I am afraid, prove to be the last straw on the camel's back.

In advocating taxation measures, the Hon'ble Finance Minister forgets that the burden will mainly fall upon the middle class of Bengal who form the backbone of society. It is this class which has been hard hit by unemployment. The Hon'ble Minister himself admits that the incidence of unemployment is in fact disastrously acute among the

middle classes and the educated sections of our people. He also holds that "the misery of the educated middle classes has been further aggravated in that even those who were earning a livelihood have in certain professions, particularly in law, been so hard hit recently owing to a variety of factors that they are also now swelling the ranks of the educated unemployed." Continuing, he further adds, "the suffering that this means to numerous families is beyond words." While the agriculturist in the village can earn at least his daily morsel even by selling his labour on occasions, these unemployed members of the educated middle classes find themselves in a really desperate situation with every door barred against them and blank starvation staring them and their dependants in the face. If the Hon'ble Minister sincerely recognises that it is the middle classes who have brought light and culture to the province and have been the torch-bearers of its national movement, then all his arguments in favour of taxation the main brunt of which will have to be borne by the middle classes lose their force and become untenable.

I do not know if the Hon'ble Minister has taken his cue from the Government of Bombay which has resorted to taxation. But the circumstances which have impelled the Bombay Government to have recourse to this measure are quite different from those prevailing here. In Bengal, no bold scheme of ridding the province of what are considered to be unmitigated evils has been undertaken or is proposed to be undertaken, whereas the Government of Bombay have already made a healthy move towards prohibition as a result of which the urban areas of Bombay are to go dry. It is in order to compensate the loss of revenue under head "Excise" that the said Government have decided to introduce measures of taxation which are intended for those who are in a position to pay.

Sir, in these days of a craze for democracy, one may naturally hesitate to point out its shortcomings. Democracy is not without its attendant evils as every student of political history will readily admit. If democracy means an abnormal increase in expenditure and additional taxation upon a people already weighed down under its burden, then personally I would like to go back to the old system of administration under the Lieutenant Governor who used to rule Bengal with the assistance of three or four departmental secretaries at a much lesser cost. When I make this statement, I do so with a full sense of responsibility and knowing full well that thereby I lay myself open to the charge of being undemocratic and anti-national. But the fact remains and everyone will perhaps realise in his heart of hearts that a Hitler or a Mussolini is what is required to guide our destinies at least for some time to come and not a democratic form of Government of the type vouchsafed to us under the Reformed Constitution.

Now, Sir, coming back to the subject of taxation, I find that the yield from the two taxation measures which the Hon'ble Minister

proposes to introduce this session, is calculated to fetch an income of Rs. 12 lakhs per annum. The imposition of an ungraduated tax of Rs. 30 a year on professions, trades, callings and employment cannot, therefore, be too highly condemned. Although the tax will be realised from those who pay income-tax, it does not commend itself to me as a sound proposal as an ordinary income-tax payer has to meet heavy demands from various forms of taxation.

If the Hon'ble Minister had decided to levy a tax on an annual income of Rs. 5,000 and over, the less opulent section of the community earning below Rs. 5,000 would have been spared the rigours of taxation which is nothing short of oppression to them.

The Hon'ble Minister has waxed eloquence over the economic implications of taxation as a measure which we are induced to believe will bring us the millennium in the distant future. But he evidently forgets that taxation should only be resorted to when other methods have failed. There is yet enough room for economy in the current expenditure of the Government. We have always complained that the Government is top-heavy and that the pruning knife should be rigorously applied. There are in the Budget Estimates proposals for expenditure which are not urgent and can wait for the present. I mean the provisions under head "Civil Works". Large sums have been provided for capital expenditure on brick and mortar. The proposal to pay Rs. 30,000 to a Calcutta newspaper has been subjected to scathing criticism everywhere.

It is not our object to pick holes in the Budget proposals. If we criticise the Government for their acts of commission and omission, it is because we want to put them on the right track.

Sir, I regret to notice that no adequate provision has been made for grants to Sanskrit tols to which reference was made the other day by Rai Bahadur Satish Chandra Mukherjee. These tols differ fundamentally from other educational institutions in that the pandits, besides teaching their pupils, have to supply them with board and lodging in the sacred isolation of their homes.

Mr. PRESIDENT: Order, order. If the House agrees unanimously, I shall be willing to suspend the question hour to-morrow and allow that hour to be devoted to participation by the non-official members in the general discussion of the Budget. I take it that nobody objects to the suspension of the question hour.

Mr. HUMAYUN KABIR: Not only the question hour; we would like to have the whole of to-morrow for Budget discussion.

Mr. PRESIDENT: That the Government are not willing to do.

Mr. HUMAYUN KABIR: Then Government should give us another day.

Mr. PRESIDENT: The Chair can suspend the question hour with the consent of the House and that time will be devoted to Budget discussion by non-official members.

Rai Keshab Chandra Banerjee Bahadur will continue his speech to-morrow.

The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 28th February, 1939.

Members absent:

The following members were absent from the meeting held on the 27th February, 1939:—

(1) Khan Bahadur Naziruddin Ahmed.
(2) Mr. Humayun Reza Chowdhury.
(3) Alhadj Khan Bahadur Khwaja Muhammad Esmail.
(4) Mr. R. W. N. Ferguson.
(5) Mr. Kanai Lal Goswami.
(6) Khan Bahadur Saiyed Muazzamuddin Hosain.
(7) Mr. Mohammad Hossain.
(8) Maulana Muhammad Akram Khan.
(9) Mr. J. McFarlane.
(10) Khan Sahib Subidali Molla.
(11) Dr. Radha Kumud Mookerji.
(12) Mr. E. C. Ormond.
(13) Mr. H. P. Poddar.
(14) Rai Sahib Jatindra Mohan Sen.
(15) Khan Bahadur M. Shamsuzzoha.

B. G Press—1938-39—13201A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 28th February, 1939, at 2-15 p.m., being the twelfth day of the First Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Adjournment Motion.

Mr. PRESIDENT: Order, order. With the general consent of the House the question hour is suspended to-day. So I shall take up the matter about an adjournment motion first.

I have received notice of an adjournment motion from Mr. Humayun Kabir which runs thus:

> "I beg to move that the business of the Council do now stand adjourned to discuss a definite matter of urgent public importance, namely, the failure of the Government to take adequate steps to prevent rioting and hooliganism which took place at a public meeting held at the Town Hall, Calcutta, last evening resulting in serious injuries to and arrest of a large number of persons among those who attended the meeting."

There is no doubt that it is a definite matter of recent occurrence. Will the hon'ble member please explain how it is urgent in the technical sense?

Mr. HUMAYUN KABIR: Sir, the matter is urgent from this point of view. This meeting was organized by a group of people who do not agree with the particular Bill which has been introduced by the present Ministry in the Lower House and they wanted to express their opposition to that Bill, and this meeting was broken up by certain persons who pretend to be or are supporters of the present Government.

The matter is of urgent importance in this way that wherever and whenever any meetings have been attempted to be organized recently in opposition to any policy or measure of the present Ministry, such meetings have always been broken up. That the present Ministry enjoys on the whole the confidence of the majority of the elected members is obvious, because otherwise they would not be in power, but that does not mean that the minority should not have the right to express freely its opinion about measures which are brought forward

by the present Ministry. The continued attempt of the supporters of the Ministry, either with or without the connivance of the Ministry to suppress public opinion as has been evidenced on more occasions than one has been evident. I would refer, Sir, to a previous case when a meeting was broken up in Faridpur in April, 1938, when the Hon'ble Mr. Tamizuddin Khan,—he was not Hon'ble at the time in the technical sense of the term,—was compelled to go away from the meeting and the meeting was dispersed with the help of the police, because it attempted to criticize the policy of the Government. I may also draw your attention, Sir, to the meeting which was attempted to be held in Calcutta at the time of the election to the Muslim League, and also to the incident which occurred during the last no-confidence motion when a member of this House itself was assaulted, because of his known opposition to the policy of the present Ministry, and because it was known that he would directly or indirectly help those who were trying to overthrow the Ministry. Recently also when this Bill under discussion was first introduced by the present Ministry, a meeting was organized by those opposed to it in the Albert Hall. That meeting was broken up by certain supporters, pretented or actual, of the present Ministry, and in spite of these known facts the Government did not take any steps to secure that the people who were holding the meeting at the Town Hall yesterday would have the right of free expression of their opinion. This I think, Sir, is sufficient to prove that there have been attempts to suppress the opinion of the minority, if it be a minority so far as the general public is concerned. There are always differences of opinion is politics, but that is no reason why instead of argument or reasoned conviction, force should be used in order to suppress the opinions of those who do not see eye to eye with the policy of the present Ministry.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I consider that there is no justification whatsoever for this adjournment motion. The matter rested entirely with those who took part in that meeting. The meeting was not a private meeting. Notice was issued to all the Muslims of Bengal to attend that meeting, and if the Muslims of Bengal go there and express their opinion, I do not see how Government can take any practical steps to prevent any incident that may have occurred there. As a matter of fact, I rang up the Commissioner of Police beforehand at 1 o'clock as soon as I heard that a meeting like this was going to take place, and the Commissioner of Police informed me that the notice called upon the Muslims of Bengal to come and express their opinion on the Bill. How is it possible for Government to say that Mr. A or Mr. B. should not be allowed to go there——

Mr. PRESIDENT: Order, order. I think at this stage we should confine ourselves to the narrow point as to whether the motion should

be admitted at all or not. The question may be argued on its merits when the motion will be moved. I want to be satisfied, first of all, that it is in order.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that is just what I was going to point out. I am not discussing the merits. As to what took place will come in when the motion is brought up. My point is that this is not a matter in which any action of Government can be censured.

Mr. PRESIDENT: So far as I can see, the motion seeks to draw attention to want of action on the part of Government.

The Hon'ble Khwaja Sir NAZIMUDDIN: What action could Government have taken, may I ask?

Mr. PRESIDENT: That would be a matter for argument, but any member can complain that Government has done something or has failed to do something to which the attention of the House is to be drawn. So that is a matter of details or of merits which are to be gone into when the main motion will come.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I suggest that before this motion is admitted by you, it is necessary to show either that the Government has done something or that the Government has omitted to do something, to which the attention of the House should be drawn. I have not yet heard anything from the hon'ble member who is going to move this motion as to what Government could have done which would have prevented this thing. If the hon'ble member can suggest one step that the Government could have taken anticipating a fracas which they have no business to anticipate, then, Sir, I would admit that there is some justification for moving this motion.

Mr. PRESIDENT: As I understood the hon'ble the mover, he sought to make out that the Government had failed to take proper action though they fully knew that on many other occasions previous to this, meetings were disturbed and were not permitted to be held and as such it constituted failure on the part of Government to take precautionary steps to allow public discussion of the matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: If I may submit, Sir, in that case the member will have the right to move an adjournment motion in this House on the occasion of every theft, on the occasion of every burglary, on the occasion of every crime that is committed in Bengal, because previously these crimes have taken place and the Government have not——

Mr. PRESIDENT: Order, order. That will be for the Chair to decide. Is it a matter of public importance? That is the second point.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am submitting, Sir, that Government could not have taken any action. Besides, some arrests have already been made. There is a likelihood of this case coming up before the courts and the matter is likely to be *sub judice*, if it is not already so.

Mr. PRESIDENT: The mere fact that there is a likelihood of the matter being taken to a court of law will not bring this matter under the class of cases which should be regarded as *sub judice*. I think this is a question of public importance. So I rule that this motion will be in order. Has Government any objection?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. On principle I object.

Mr. PRESIDENT: Those who are in support of this motion will please rise in their places.

(Several members stood up and a count was taken.)

Mr. PRESIDENT: As less than 13 members have risen, I have to inform the hon'ble member that he has not the leave of the Council.

The Calcutta and Suburban Police (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to give notice that in the current session of the Bengal Legislative Council I shall introduce the Calcutta and Suburban Police Amendment Bill, 1939, which was published in the "Calcutta Gazette" of the 23rd February and shall move that the said Bill be taken into consideration by the Council and be passed. I beg to say further that His Excellency the Governor in his discretion has given previous sanction under sub-section (2) of section 108 of the Government of India Act, 1935, to the introduction of the Bill in the Council.

Mr. PRESIDENT: The House will now resume the general discussion of the budget.

BUDGET DISCUSSION.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, as I was pointing out yesterday, adequate provision has not been made for grants to Sanskrit *tols* for the advancement of Sanskritic studies. The *gurus* still follow the old ideal and custom which they are enjoyed by the *sastras* scrupulously to observe. An increase of Rs. 10,000 only for the coming year is hardly commensurate with our needs.

Sir, the demands of primary education have not been properly met. The Primary Education Act has been brought into operation in some of the districts. The representation submitted to the authorities to suspend the realisation of the education cess in the district of Dacca has been of no avail. Dacca in common with other districts in East and North Bengal has greatly suffered from the effects of the floods. Crops have been destroyed and in consequence there has been no collection of rent. The imposition of the education cess has put a severe strain upon the already attenuated resources of both the landlord and the tenant. It seems the public cry for free primary education has been one in the wilderness.

Sir, the present Government cannot claim any credit for securing from the Government of India a share of the export duty on jute. It was due entirely to the untiring efforts of Sir John Anderson, the former Governor of Bengal, that this small mercy has been shown to us. The wrongs perpetrated on Bengal by the Meston Settlement have only been partially righted although we expected that full justice would be done to Bengal by the Neimeyer Report. The Ministry would do well to demand from the Central Government the entire jute tax and a portion of the income-tax raised in Bengal. This coupled with the revenue set free by the release of detenus and a judicious retrenchment of expenditure will obviate the necessity for additional taxation.

Sir, the condition and outlook of jute trade has occupied a considerable portion of the Hon'ble Minister's Budget Statements. Here also our demand for compulsory restriction of jute cultivation and the fixation of a minimum price of jute has met with no response.

Sir, the problem of irrigation, the resuscitation of the dead and dying rivers and a thorough investigation into the causes of the floods and their prevention have not claimed the serious attention of the Government. Considering the importance and urgency of these questions, the provision under head "Irrigation" is only a drop in the ocean.

In his lengthy peroration, the Hon'ble Finance Minister has indulged in a homily and has given us a bit of unsolicited advice regarding our duties and responsibilities as members of the House of Elders.

It is as much the duty of this House to bring sane counsels and ripe experience to bear upon all kinds of hasty legislation originating in the Lower House as it is to apply the brake to the activities of the Government as well where necessary and guide them along proper channels if they are found to overshoot the mark in their anxiety to serve the public.

It is our annual function to criticise the Budget. We do not do it for the mere fun of it. The Budget gives an indication as to how the Government is handling the work; it clearly shows how and to what extent the promises held out from time to time are going to be redeemed. As popular representatives, we are here to direct the energies and efforts of Government to the welfare of the people. Words are often deceptive; hence, promises are taken with a feeling of hesitation and uncertainty. The Budget is to give a concrete shape to those words and promises. Judged by this fundamental standard, the Budget is a disappointing one.

We are told that the present Government exists for the people. In the liberal utterances of our Ministers that assurance is strengthened beyond doubt. But a nation cannot live on assurances; the increasing poverty problems of the province do not find solution in the programme outlined in the Budget. If problems are to be tackled, they have got to be faced; they do not yield to rosy assurances. How long can the people remain content with a mere enumeration of the problems? That is painful, and all the more so, when we find one of our ablest men as the Finance Minister of Bengal. The Hon'ble Finance Minister may be new in his official work, but he is not a stranger to the problems of Bengal. His speeches, pamphlets and books indicate an intimate acquaintance with our problems and a constructive approach thereto, but it is really bewildering to find why the same person, when given the opportunity of translating his schemes into action, is feeling so nervous and helpless. Is it that the difficulties in the path are overpowering him or, is it that our Government is wedded to a policy of drift? We are all aware that Bengal has the reputation of being an unhealthy province, seventeen out of the twenty-six districts being malarious. The people have a low vitality. The decline in sanitation and agriculture is leading to rural exodus. Has any Public Health scheme been planned and given effect to? West Bengal and Central Bengal are in need of scientific irrigation projects. Have any planned irrigation schemes been carried out except the forcible realisation of the canal rates at an unremunerative level? Our agriculturists need loans at a low rate of interest for financing agriculture and these loans are inevitable and essential. Has the Government provided opportunities for giving loans to agriculturists at low rates of interest except the establishment of Debt Settlement Boards which have led to the destruction of rural credit facilities? Peasants are panting for money, whereas the Government is setting up these Boards to throttle the flow

of credit capital. The prices of agricultural products are proving unremunerative, accelerating thereby the insolvency of those dependent upon income from land. Has the Government taken to any marketing scheme seriously and planned better distribution of agricultural products with a view to secure better prices for the agriculturists? The Government's conception of social welfare perhaps lies in the increase of posts, the distribution of more services to particular communities and in the enhanced grant of money to some of the existing organisations.

Mr. PRESIDENT: I would like to know how many other members are willing to take part in the Budget discussion. Will they please rise in their places?

(Six hon'ble members rose in their seats.)

Government have very considerately allotted four days for the general discussion of the Budget. I find that already 5 members belonging to the Congress Party have spoken on the Budget for 1 hour and 24 minutes,—5 members belonging to the Coalition Party have spoken for 1 hour and 37 minutes, 4 members belonging to the Progressive Party, 1 hour and 12 minutes, 1 member of the Treasury Bench, 20 minutes, 1 member of the European Party, for 5 minutes, and 1 labour representative has spoken for 13 minutes; I must call the Hon'ble Finance Minister to reply just at 3-15 p.m.; so that we have now 40 minutes only left for the 6 members who have signified their intention to speak. I shall give every member 6 minutes to speak.

Mr. KADER BAKSH: Mr. President, Sir, opportunity has been given to the members of this House for discusion over the next year's Budget. Our powers are limited. We cannot move any cut motion with a view to effectively criticise the policy behind the Budget. Ours would be a discussion for the sake of discussion only, and as such cannot be expected to be productive of any material effect on the Budget policy. Circumscribed within these limitations, one cannot feel encouraged to properly analyse the Budget itself or the speech of the Hon'ble Finance Minister in connection therewith.

Be that as it may, I do propose to make a few observations on the policy behind the Budget, and on the propositions and suggestions enunciated in the speech of the Hon'ble Finance Minister. But before I do so, I must thank the Hon'ble Finance Minister for the bold and frank statement he has made regarding the actual internal and external economic position of the province. True, he has done his best. He has adjusted creditably within his limitations. I went through the budgetary provisions and the speech of the Hon'ble Finance Minister more than once with the hope to get new lights, to find new policy

enunciated but unfortunately I found none. I found in the explanatory speech only one theme emphasised. He has harped on the same tune and sang only one song over again. He has narrated the same old tale that the revenues of the province are limited and extremely variable necessitating fresh taxation for the taking up of any ameliorative measures for the uplift of the mass.

The revenues are bound to be variable so long as the province has to produce only raw materials without any means either to find profitable markets for them or to utilise them profitably for the benefit of the nation. Our raw materials often times go abegging just like a child of the street. We have neither power nor institutions properly organised to control their prices. The Hon'ble Finance Minister has said that they are always regulated only by world forces and international factors and we are as such helpless to control the market. But in my opinion our utter helplessness and the inaction of the State for making honest endeavours for the proper and remunerative utilisation of these materials are the primary causes and forces for this variation of the provincial revenues for the worse. He has warned us that for any social and economic reconstruction, fresh taxation will have to be unavoidably resorted to. This statement means this: "If you want any improvement in your National growth you must be prepared to pay for it." This in its turn means that under the present economic situation of the province, the whole nation must stand paralysed at that point where it has been for long—all progressive measures suspended. Considered from this point of view, both the Budget provisions and the illustrative speech thereto, are most discouraging and the future of the whole province is gloomy.

But there is no standing still in the life of a nation. It must proceed or recede. If we have to live—if the nation has to exist, it must make a forward march and keep pace with the other nations of the world.

The Finance Minister has advanced proposals for new taxes, but has not given any suggestion as to how to create a capacity in the nation for bearing the burden. None will grudge payment of any fresh tax if he has only got the capacity to pay. It does not require the varied experience, the great administrative brain of the Finance Minister to undertake ameliorative measures for the uplift of the mass with easy money near at hand to be raised by the easiest method of direct taxation imposed on a people already on the breaking point under the heavy load of various taxes and other liabilities created for keeping the body and soul together, all these burdens being daily aggravated by failure of money-crops due to flood and draught. An humble man of my intelligence can do marvels in the field of national uplift, if sufficiently funded.

The Finance Minister has got the reputation of being a great administrator, financier, and an economist. He is, as we all know, not a wild visionary, but a practical man with practical ideas and varied experience. He has realised that the nation has been suffering from a chronic disease, but has not made any attempt to diagnose what the disease is, wherein the disease lies, and what should be its proper remedies. Having failed to diagnose correctly, he has taken recourse to haphazard and wrong remedies. From his speech it is clearly gathered that "want of money" is the disease. "Money, more money" is the real remedy for the solution of the stupendous problems of social reconstruction.

Then the question arises who is to remove this want and how to remove it. This is the problem of all problems. But unfortunately the Finance Minister has given us no lead and light in this direction. The mass, the tenants, the zeminder, the member of the legal, medical profession, in short the entire population of the province are too distressed to bear any fresh taxes—all the classes have failed to fulfil their ordinary routine liabilities. Of course, there are some who roll in gold, capable to bear the burden, but that is not enough. The greatness of the Lord of the Exchequer, the Finance Minister, lies in the solution of this most intricate problem. It will not do for him to take shelter under the plea of world forces and international factors. It is for him to prepare the nation to control and regulate these forces and factors to the best advantage of the nation.

It is for him to profitably utilise the man-power that lies in enforced idleness to find money sufficient to make the people happy—it is for him to create machines for producing money, bring in more wealth and place sufficient money in the hands of the average man, the man "behind the plough," for raising his standard of living—for creating in him the capacity to pay more taxes to enable the State to carry out the several ameliorative schemes for the benefit of the mass and the uplift of the nation. It is for him to get the entire gross revenue of 38 crores released for meeting the needs of his province.

This can only be done by bringing about a revolution in the field of industry—both cottage and large-scale, freeing the people from depending on others, saving the children of the soil from "loot" by people from outside the province either by legislation or otherwise, working up to their full extent the natural resources of the province which are at once abundant, rich and ready, bringing in of improved methods of cultivation, scientific manuring and working out of proper irrigation scheme. Until these have been worked out, any expectation of any appreciable increase of the provincial revenues by means of fresh taxation will ever remain a dream.

Therefore, Sir, my humble suggestion would be to devote the entire amount of 79 lakhs allotted to new items of expenditure, the hariana

bull allotment, the full amount released due to abolition of detenu camps and release of political prisoners for taking up measures mentioned above. Even the much-desired education of the masses may wait a few days more as it has already waited for nearly 175 years. Let us suffer for want of medicine a few days more as we have been accustomed to it. We must first eat and drink and must be trained and then be utilised to produce more money and wealth. These problems once solved, the chronic disease of want of money will be solved automatically. Therefore my cry on the floor of the House is "Industrial and Agricultural Revolution throughout the Province" by taking early steps for that end, control of the market, saving the people from economic bondage and saving the province from being bled whiter by the loot of people from outside the province. These things done, a brighter, a happier day will dawn on us.

With regard to the proposed ungraduated tax on people paying income-tax is a measure likely to cause wide-spread discontent. It is uneconomic in the long run and unwise. This double burden of taxation, besides other burdens of the same nature, can never be supported. Moreover, direct taxation in these scientific days is highly impolitic. The other tax proposed, i.e., the dog race tax is certainly most salutary. Higher tax on horse race, assessment, profiteering business of the middle man, death duties, duty on petrol will not be unwelcome.

With regard to the measures for restriction of jute cultivation, I shall rest contended by only saying that the whole scheme has proved a failure, and money spent for propaganda has been wasted.

With regard to the call of the Hon'ble Finance Minister to the unemployed matriculate youths and the medical men for adult education and medical relief to the needy respectively and on others for village reconstruction work is a noble call indeed, and I believe, will be readily responded to. I offer my humble services for any such organisation that may be started for the uplift of the mass.

Before I conclude, I beg to the Hon'ble Finance Minister not to misunderstand me. I belong to the same party of which the Hon'ble Finance Minister is a stalwart. I have made a bold and frank statement not with a view to criticise because I believe that the suggestions I have made are capable of being worked up.

My only ambition is to see a prosperous Bengal, a prosperous happy and self-contended people and I trust, the Hon'ble Finance Minister is just the man to effectively work these out.

Mrs. K. D'ROZARIO: Mr. President, Sir, I congratulate the Hon'ble Finance Minister on the satisfactory budget he has presented to this House which is both businesslike and courageous.

Where so many interests are screaming for attention, it is impossible to provide even partial relief to the majority and it is satisfactory to note that notwithstanding the very small balance available at the end of the current year he has provided for new items of expenditure amounting to nearly 80 lakhs of rupees in many departments in which there is urgent need for progressive improvement and relief. This will, however, not be rendered possible without the introduction of two new taxes of which the one on trades, professions, occupations and callings being ungraduated will be very unpopular. I hope that Government will arrange that the recovery of this tax will not operate harshly on those whose income comes just within the taxable limit, and that some form of graduation will be adopted. I am happy to observe that increased grants for expenditure under education are well diffused among many schools, colleges and hostels and that provision has been made therein for tutorial classes in two colleges for preparation of candidates for the all-India examinations. I hope similar grants will be extended to more colleges in the near future. I would like to bring to notice the very useful work that is being carried out by the management of the Don Bosco Industrial School at Lillooah, which provides industrial training at a low cost to children of parents with small means, and earnestly request that a suitable grant will be made to this institution at an early date. I would especially invite the attention of the Hon'ble Minister to the urgent need for funds for utilising the Eden Hospital extension which has been vacant practically since its completion except for one lying-in ward.

Rai SURENDRA NARAYAN SINHA Bahadur: Mr. President, Sir, I am sorry to see that the Budget is a deficit one as presented to this Council though I fully appreciate the Hon'ble Finance Minister's difficulty. The occurrence of deficit has been followed by the levy of fresh taxes which has alarmed the professional men, traders and salaried officers throughout the province. To professional men, the hard times, through which the country is passing, are already a great difficulty to overcome. If over and above this, they are to contribute more to the State funds, they will have to restrict their expenses on other necessary matters. Traders can hardly rely on the uncertainties of the market at the present time of depression and there is going to be a fresh burden on them on the top of this. I cannot support new taxation at this stage until all attempts at retrenchment be exhausted.

Sir, the rapid decline in court-fee stamps has demonstrated the anticipations of the working of the Agricultural Debtors Act and the Government seems to be fully aware of the collapse of rural credit institutions in the districts in which the said Act conveniently but significantly known as the B. A. D. Act among lawyers and the public is at work. Without making any provision for the establishment of

a large number of land mortgage banks and other rural credit societies, the Government has introduced a Bill for amending the Act. It seems that the situation requires that the working of the Act should be investigated before its scope is extended. The Board of Economic Enquiry set up by the Government in 1934 surveyed the position of rural indebtedness and submitted a report which formed the basis of the Act. The Board has recently been reconstituted on February 7th. This Board can very well examine the working of the Act, but no adequate provision has been made in the Budget to enable the Board to make a comprehensive inquiry in the districts.

The Government has made ample provisions for the education of the Muhammadan community and some provision for the so-called Scheduled castes, but anything substantial has not been done which is at all commensurate with the needs of the general population. We do not grudge any community any special facilities they may have, but certainly resent the neglect to which the general community is subjected by this kind of charity. The general needs of education and primary education are, no less greater than those of special classes. Thus I beg to suggest by effecting economy in items where possible more money be provided for mass education. How inequitable the educational grants to the general community can look, will be best illustrated from two or three sentences at page 23 of the speech of the Hon'ble Finance Minister in the Assembly which runs as follows:—

> "An additional provision of Rs. 1 lakh has accordingly been included in the Budget for awarding scholarships to deserving students. Out of this, Rs. 60 thousand will be earmarked for Muslim students, Rs. 20 thousand for Scheduled castes students and Rs. 20 thousand for others.
>
> "As many really meritorious students find themselves unable to continue their studies on account of pecuniary difficulties, a provision of Rs. 60 thousand for special stipends in really deserving cases has been included in the Budget. Out of this amount, Rs. 50 thousand will be earmarked for Muslim studies and Rs. 5 thousand for Scheduled castes and Rs. 5 thousand for others."

The scheme for adult education is one of the promising schemes for the future but the grant is not sufficient. Vocational education, female education and general education—all these require more money for proper development. This can be met by effecting economies in other items of education and in other items of the Budget, i.e., the purchase of Hastings House, Midnapur, building schemes for detectives which can be deferred or projects of less expenses being taken up.

Coming to the needs of districts, no grant is to be found anywhere in the Budget for protective embankments and bridges. At the last

meeting of the Chairmen and representatives of District Boards, a scheme was prepared for developing rural health units. But I do not find that adequate provision has been made in the Budget for that purpose. Nor is there any satisfactory provision for increasing facilities for water-supply in the rural areas. Some provision has been made for rural uplift, but the urban areas should not be forgotten and provision should be made for their development also. Rs. 4 lakhs have been provided for the free distribution of quinine, but the sum has remained stationary all these years. Owing to the greater incidence of malaria this year, the grant should be increased and provision should be made for the free distribution of Atebrin and Plasmochine to relieve cases where quinine is ineffective. I have elsewhere referred to the absence of grant for sericulture for the district of Murshidabad. The sewerage scheme grant for my district of Murshidabad is the small sum of Rs. 3,600.

In the case of augmentation grant to District Boards also, the same amount has been granted as in previous years, but the demands from the Union Boards are greater and the difficult situation caused by floods requires greater amount to be spent on this head. There ought to be greater amounts of grant from the provincial funds for the improvement of sericulture, as silk is one of the important industries of Bengal. On the other hand the reorganization of the Silk Technological Institute at Berhampore has been postponed and the grant of Rs. 61,000 has lapsed.

The Road Fund with contributions from Central Government is lying idle. It ought to be spent by taking up the projects or by giving grants to local bodies to make their roads.

Some economy can be effected in the budgetary provision of loans to Municipalities and District Boards (at page 436 of the Civil Budget). It has been found in Revised Budgets of previous year that so much was not required.

In the Civil Works budget, it is gratifying to note the provision of money for the improvement of Sultanpur-Sainthia and Kandi-Sultanpur Roads and we hope that Ranagram Bridge on River Dwarka will be completed with haste.

The heavy amount provided for jute restriction work and other propaganda work are not justified. I venture to suggest that the said allotment be curtailed to meet other more urgent needs or for the improvement of agriculture.

The publicity grants also ought to be stopped as the methods adopted have proved worse than useless.

With these words, I conclude my remarks hoping that the Hon'ble Finance Minister will revise his Budget in that light, and the Government will be pleased to act in the light of my suggestions.

Rai Sahib INDU BHUSAN SARKER: Mr. President, Sir, I rise to speak on the year's budget estimates presented before this House by the Hon'ble Finance Minister only the other day. With all Mr. Sarker's reputation for ability, knowledge and experience, he has failed to sustain the confidence which his selection as the Finance Minister had aroused and his budgets both of this year and that of the year previous are but documents of despair. This year's budget is a deficit as well as a taxation budget.

Sir, thanks to the Neimeyer Award, the Hon'ble Finance Minister has been able to allot more money to the nation-building departments, no doubt; but this has been done with hardly any co-ordinated plan or with an eye to the larger needs of the province. Sir, our needs are manifold and this little increase may be said to be a drop in the ocean, still let us hope for the better days. If the last year's budget was a deficit one, so is this year's with the result that there has been a worsening in the position of the opening balance. Current year's revised estimates show the amount to be Rs. 1 crore 36 lakhs, while it is going to be depleted to the extent of Rs. 58 lakhs at the end of the next year. And the next year's budget estimates reveal a deficit of Rs. 87 lakhs in normal revenue account. The Hon'ble Finance Minister has no doubt assured us that Government has sufficient resources to cover the difference in the revenue receipts and expenditure, yet they felt the necessity to raise a loan of Rs. 1 crore.

Sir, judged by whatever canon of financial orthodoxy, it is hardly a welcome device to attempt meeting revenue deficit by a capital loan. It is not that the raising of a capital loan is in itself open to objection; some other provincial Government have done so; but that was for only productive purposes and not for covering revenue deficits, nor, these loans formed part of the provincial budget.

Sir, if against this background, one has to go into the details of the budget provisions, one has only to feel like rambling over a book, the contents of which are extremely disjointed. Yet, Sir, there are a few heads of expenditure on which one or two words are called for. It is true that an additional provision for Rs. 11 lakhs 73 thousand has been made under the head "Education" and out of this Rs. 1 lakh 60 thousand represents provision on account of schemes postponed in the current year [viz., (1) Rs. 1 lakh 37 thousand for training of teachers for primary schools, (2) Rs. 23 thousand for appointment of an assistant physical directoress]. Thus the above amounts together with Rs. 95 thousand for youth welfare work could not be spent for want of practical schemes within the current year. In this connection, I beg to draw the attention of the Hon'ble Chief Minister that in spite of his definite assurance for the establishment of a full-fledged Government Girls' High English School at the district town of Faridpur, the actual work has not yet begun during the current year. We hope the Government

will be in a position to undertake the work within the coming financial year.

What is more amazing, Sir, is that in spite of the protestations of the Hon'ble Chief Minister, out of an additional sum of about Rs. 12 lakhs under head "Education" not even a lakh of rupees has been earmarked for primary education which is the most crying need of the day, although several lakhs of rupees have been provided for erecting new buildings and halls. It may be said that the question of unemployment would be solved to some extent in spending several lakhs of rupees over brick and mortar, but, Sir, could not these huge amounts be better utilised in industrial and agricultural development in a scientific manner, specially in a country where one-third of the cultivable lands remain uncultivated and where the question of unemployment could have been more fruitfully solved to a great extent? It is also curious to note that only Rs. 13,000 has been allotted for a scheme for adult education. Sir, I do not follow it. Does it mean to meet the necessary cost for preparing a scheme for adult education or to help the newly established adult educational institutions in this province with this paltry sum? Then, Sir, about Rs. 12½ lakhs are allotted for about 50 Government Secondary Schools, whereas Rs. 13½ lakhs only are earmarked for about 12 hundred private High English Schools which are imparting secondary education to the poor and middle-class people in the remotest corner of the village. The teachers of the aided primary and secondary schools though working hard have been practically starving. I earnestly draw the sympathetic attention of both the Education and Finance Ministers to see if the hard lots of the said teachers could be ameliorated to some extent.

With regard to public health and medical, some additional amounts have been provided, but judging from the needs of the province they may be said to be quite insufficient, but I am glad to see that provisions have been made for three travelling eye dispensaries in the next year, which is no doubt a right move in the right direction and we hope to see at least a dozen of such dispensaries in the near future.

Sir, as regards the expenditure under the head "Debt Conciliation" Rs. 24,63,000 was allotted in 1938-39, but in revised estimates Rs. 12,09,000 was provided. So, more than 50 per cent. of the original money could not be spent within the year. But in the next year's budget the amount has again been raised to Rs. 21,12,000 in order to establish the full complement of Boards next year together with the appointment of a fourth Deputy Director of Debt Conciliation with necessary staff—as the explanatory note says. I think, Sir, that so much amount may not be necessary for the same as past years showed otherwise at least Rs. 2 to Rs. 3 lakhs may easily be available for other nation-building projects. Owing to the establishment of Debt

Conciliation Board, the rural credit has been very shy and the agriculturists have been put to great difficulties. So very early steps may be taken to remove their pressing needs by establishment of credit facilities in each thana at least, if not practicable in each union for the present. The present provisions of the Bengal Agricultural Debtors Act require to be thoroughly amended, as some of the provisions are not congenial both to creditors and to debtors and this Act has been as if a death blow to realise dues even from solvent parties. Some people who cannot be a debtor under this Act generally take shelter under this to avoid payment as long as possible in order to defraud their *mahajans* and zemindars of their just and legal dues.

Lastly, sir, going into the taxation proposals we find that not only has the Finance Minister presented us with two, but also threatened us with many more during the autumn session. On the betting tax on dog racing, I have nothing to say but why leave horse racing; if dog racing is an evil which undoubtedly it is, horse racing is still more so and it was only expected of our Finance Minister that he will take courage in both hands and tax the Royal Calcutta Turf Club in the way Bombay has done. As regards the ungraduated tax on professions, callings, etc., it would mainly affect the middle class, whereas the amount is such that the richer sections of the tax-payers will not feel any burden at all.

Sir, I am not one of those who feel that a fair sum can be expected without taxation. I admit, Sir, that provincial revenues are limited and need expansion but before new taxations are inflicted, is it not expedient, just and equitable that fruitless administrative cost should be reduced to the minimum in order to release substantial funds for useful services? The Finance Minister has stated that the scope of further retrenchment is not very great, but that is a statement which hardly bears scrutiny. A good amount can be recovered if the huge wastage in Government expenditure could be prevented as well as if allowances of highly paid officers as suggested by my hon'ble friend Rai Manmathanath Bose Bahadur, could be discontinued, for this House has been staggered to learn that in a budget of Rs. 14 crores, salary bills of Government officers alone account for more than Rs. 6 crores or about 45 per cent.

Lastly, Sir, a province like ours cannot be made prosperous without industrialisation and improvement of agriculture. With these words, Sir, I conclude my speech.

Rai BROJENDRA MOHAN MAITRA Bahadur: Mr. President, Sir, the Budget should reflect, as in a mirror, the policy of a Government. It should formulate schemes for ameliorating the condition of the province and its people and for removing many and various grievances of the public. But in the Budget presented in this House, one would

vainly seek to find any distinct policy either for redress of the crying grievances of the people or for any attempt to lead the nation out of the present chaos and crisis. It is surprising that without any definite hint at any far-reaching improvement of the province, this *Mamuli* budget, in making both sides meet, has proposed a loan of a crore. The present budget does not provide for any expenditure for which a loan can be justified. It is hard to find why it pleased the Hon'ble Finance Minister to tax dog racing only and not horse racing. Is it because he will lose the support of the European Bloc? Or is it because the horse racing is expected to yield an amount of revenue which will make the imposition of the ungraduated tax on trades and professions altogether unnecessary? The budget speech has throughout assumed slump in trades and professions, each one branch of which is admitted to be hard hit. If that is so, is it not unjust to put a higher burden upon such crippled incomes? Each one of the tax-payers has relations and dependents who are unemployed and they are already a great handicap to them. Why should they be further burdened with this additional tax?

Instead of raising loans and imposing taxes means should have been found out in other ways for the purpose of meeting the many and various doles meted out to various institutions and communities with a view to placate them. I do not object personally to dog racing being taxed, if really necessary. But I do not understand why should dogs only be preferred to horses, when it is known the horses would surely fetch a much higher revenue? But I do object to the ungraduated tax at this time of crisis when one feels the existing burden of taxes already too heavy to bear. Why should there be an ungraduated tax which means indiscriminate taxation?

The Budget shows the hand of a blind man groping in the dark. It feels rather than sees the dangers and difficulties that surround us and lie ahead; but it does nothing more than merely describe some of these dangers and difficulties in an academic way. No solution is found for them. It merely deplores that this should be so.

The greatest menace of the present Government is admitted to be the question of all-round unemployment. There are unemployed everywhere and in every walk of life: amongst the educated as well as among the uneducated; among the middle class as well as among the poor agriculturists in the interior of the province. The province is full of the unemployed. The Government which has appreciated and acknowledged this fact should come forward with a solution which may be complete or even a partial solution. But the Government whose budget does not even seek to find any remedy has no right to make a loan and to impose a tax. The Government which cannot find bread for its starving people must admit its own incapacity to run the show. The budget speech is a pitiful acknowledgment and a naked confession of inability of the present Government to solve either the stupendous

problems of social and economic reconstruction or the acute and vexed problems of unemployement. If any loan was necessary to materialise any bold drive towards the solution of the serious and menacing problems of the province, no member should have scruppled to vote for it. But the budget which provides for 24 lakhs to civil works (construction of building) and only 3 lakhs to agriculture and only 3 lakhs to industry, should do well to curtail the expenditure on construction of new buildings by the amount of the proposed loan and should square the Budget without the loan and without the imposition of further tax.

The Budget seems to respond to the cries and scrambles of institutions and communities, but it is deaf to the pathetic wail of the province at large.

Year after year the province is being devasted by flood. The last flood cost the Government over 56½ lakhs in loans and reliefs. But there is no provision to be found in the Budget to protect the province from its recurrence. It seems that Government would keep quiet in a spirit of divine resignation till it comes again. And when it comes, as it must, loans and reliefs will be arranged by upsetting the Budget. The Budget proceeds upon the assumption that there will be no flood. It is also based upon the assumption that there will be no international causes to upset the budgetary figures. But the Hon'ble Finance Minister is very jubilant over the order for 200 millions of jute bags. Does not this indicate anything? Is it not the long shadow of a coming event? But I am sorry to say that the Budget is blissfully oblivious of it.

In conclusion, I beg to submit that this is a budget which the people will find it very difficult to appreciate There is no well-planned advance into future, neither is there to be found any bold handling of any of the most acute problems of the province. It is not a budget worthy of any Government.

Sir EDWARD C. BENTHALL: Sir, there is just one point in connection with the Budget to which attention may profitably be drawn at the present moment. It is no use having a taxation system unless the means of collecting the taxes are supported. This province is facing a very serious danger at the present moment which, in my opinion, is not fully recognised by many of those who are likely to be most affected by it. The disruptive elements which are abroad are well known to every party in this House. Those who try to reduce the productive power of the province by creating industrial strikes and those who preach stoppage of payment of just dues of rent are not only damaging the province as whole, but are, also, in my opinion, going to stab their kith and kin in the back. Not only can no Government who calls itself self-governing tolerate that state of affairs, but no people who desire to attain prosperity and to ameliorate their social condition can

allow such action to continue. The campaign for non-payment of rent, if successful, is likely to hit not only the big landlords, but also the intermediary tenure-holders and so deal a shattering blow to the middle classes in Bengal. It is from this very class of people that these agitators who advocate these policies come, and those most affected are so often blind to the situation and the probable effects upon their own people that they fall fairly easy victims to this destructive policy. The fact, I think is that the policy of opposition and disruptive tactics have been so long ingrained in the minds of certain classes of people as part of their campaign to embarrass the previous Government, that they overlook the change which has taken place in the constitution. They still attack the present Government-quite unmindful of the change—the complete change—that has taken place in the constitution, and it is a strange sight to see them not unwittingly either doing their best to encompass the embarrassment and the discomfiture of their class, or else doing nothing to stop it. Fortunately, I think it is not likely that Government will permit this campaign to succeed. If it were successful it would bring about untold sufferings on the middle classes, but I am sure that the House will agree with me that it behoves all stable people and specially an experienced body like this House whatever their political views—in their own interest and in the interest of the province—to resist such a movement to the utmost.

Maulana MUHAMMAD AKRAM KHAN: মাননীয় সভাপতি মহাশয়, দুর্ভাগ্যবশতঃ বাজেট আলোচনার সময়কার অন্যান্য অধিবেশনে আমি উপস্থিত থাকিতে পারি নাই। বাজেট আলোচনার এই শেষভাগে সংকীর্ণ সময়ের মধ্যে আমার সব নিবেদন আজকে শেষ কোরতে পারবো না। আমি প্রথমেই বোলে রাখছি যে, আমার এই বক্তৃতা হবে—কতকাংশে ব্যক্তিগত। আজকের বাজেট আলোচনার সময় সহরের আকাশ পাতাল আলোড়িত কোরে একটা ভয়ানক অভিনব ব্যাপারের অবতারণা হচ্ছে, আকাশ ভেঙ্গে পোড়ছে, ধরিত্রী টল্‌মল্‌ কোর্‌ছে, কারণ গভর্ণমেণ্ট আজাদকে, যার স্বত্বাধিকারী আমি, সেই আজাদকে ত্রিশ হাজার টাকা দেবার ব্যবস্থা কোরেছেন। আমি আজাদের স্বত্বাধিকারী হিসাবে এখানে মুক্তকণ্ঠে ঘোষণা কোরছি যে, গভর্ণমেণ্টের এই টাকা দেবার সম্বন্ধে আজাদের সঙ্গে এখনো পর্য্যন্ত কোন চুক্তি হয় নাই। গভর্ণমেণ্টের কাছে টাকার জন্য কোন আভাষ আজাদ ঘুণাক্ষরেও এ পর্য্যন্ত জানায় নাই! আজাদের টাকা নেওয়া না নেওয়া নির্ভর সম্পূর্ণভাবে কোরছে, গভর্ণমেণ্ট আজাদের সঙ্গে কি সর্ত্তে তাকে অর্থ সাহায্য কোরতে চান, সেইটার উপর। পরিষদের সদস্যগণকে স্পষ্টাক্ষরে বল্‌ছি, গভর্ণমেণ্ট যদি আজাদ সম্পাদকের বিবেকের উপর প্রভাব এই অর্থ-সাহায্য দ্বারা কোরতে পারবেন এরকম কোন সম্ভাবনা দেখা দেয়, তবে আজাদ সে টাকা কখনো গ্রহণ কোরবে না।

এখন আমি বোলতে চাই—কংগ্রেস থেকে আমার বন্ধুরা যারা এখানে এসেছেন এবং এই টাকা সম্বন্ধে আলোচনা কোরেছেন, তাদের কাছে কয়েকটী কথা। প্রথমত কথা হচ্ছে এই যে, অন্যের সমালোচনার আগে তাঁরা নিজেদের ইতিহাস আলোচনা কোরে দেখুন। আজ বাংলা এবং পাঞ্জাবের বাইরের সমস্ত প্রদেশে কংগ্রেস গভর্ণমেণ্ট প্রতিষ্ঠিত বোলে আমরা শুনতে পাই। তাঁরা যদি অনুগ্রহ কোরে সেই সব কংগ্রেস প্রদেশের গৌরব মন্ত্রীমহোদয়ের কাছে জানেন যে, তাঁরা সংবাদপত্রকে সাহায্য করবার জন্য বৎসর বৎসর কতটাকা সাহায্য করেন, নিজেদের প্রপাগ্যাণ্ডা চালাবার জন্য কতটাকা দান করেন, তাহ'লে বোধহয় তাঁদের বক্তৃতার উগ্রতা শমিত হোয়ে আসবে। (From Congress side : বাংলা গভর্ণমেণ্টের নিজেদের কাগজতো রয়েইছে।) সে সম্বন্ধে জবাব গভর্ণমেণ্ট দিতে পারেন। সুতরাং কংগ্রেসের পক্ষথেকে যে যুক্তিবাদের অবতারণা করা হয়েছে—তার

মর্ম্ম হলো এই যে, গভর্ণমেণ্টের নিজের যদি সংবাদপত্র না থাকে তাহলে তারা যদি অন্য সংবাদপত্রকে subsidy দেন, সেটা দোষাবহ নয়। এদিকে তারা কংগ্রেস থেকে ঘোষণা করেন যে, সংবাদপত্রকে কোন সাহায্য দেন না। এক্ষেত্রে আমার বক্তব্য এই যে, কংগ্রেস গভর্ণমেণ্টের সংবাদপত্রকে টাকা দেওয়া আর এখানকার গভর্ণমেণ্টের টাকা দেওয়ার মধ্যে পার্থক্য যে, তাঁরা টাকা দেন গোপনে, আর এঁরা দেন প্রকাশ্যে। (From Congress Group: কোন গভর্ণমেণ্টই টাকা দিয়ে বলেন না।)

উপসংহারে আমি আর একটা দিকে সদস্যদের দৃষ্টি আকর্ষণ কোরতে চাই। ১৯৩৯ সালের পূর্ব্ব পূর্ব্ব বৎসরেও Bengal Government এর Publicity Department ছিলো। এবং সেই বিভাগের বিপুল ধনভাণ্ডার Publicityর জন্যই ব্যয় হয়ে এসেছে। এতদিন পর্য্যন্ত সেই বিপুল ধনভাণ্ডার হিন্দুরাই লুণ্ঠণ কোরে খেয়েছে। আজ যেহেতু একখানা মুসলমান কাগজকে কিছু টাকা দেবার আয়োজন হয়েছে, সেই জন্য দেশময় এত প্রতিবাদের সাড়া পোড়ে গিয়েছে। এছাড়া এসব প্রতিবাদের আর কোন উদ্দেশ্য নাই। গত বৎসর পর্য্যন্ত, কিভাবে, কোন কাগজকে গোপনে কত টাকা দেওয়া হয়েছে, সেটা যদি প্রকাশ করা যায়, তাহলে প্রতিবাদের সুর নরম হোয়ে আসবে। তাহলে আমার বন্ধুরা বুঝতে পারবেন যে, পরের দোষ ধরার আগে, নিজের দোষ দেখা দরকার।*

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. President, Sir, in the discussions on the Budget there have been reference to all possible things from the marking of the boundary of a place to bold schemes of national reconstruction and even the setting up of luxurious swimming baths. It is obviously not possible for me to reply individually to all these diverse points. I do not feel the enthusiasm either to do so. For as I have sat watching the discussions, one thing has been made quite clear to me: and that is, that no one will be convinced by anybody else. None, except only one or two, thought it necessary to consider the facts or arguments I brought out in my statements in this House and in the Lower House. Without reference to such facts and arguments, they have proceeded in their own way to tell the House what they think of this, that or the other thing. It is, Sir, rather difficult and also awkward, to explain to somebody the implications of my Budget Statement when he appears to have his own ideas of the Budget which, however, does not conform to the reality. Of this sort of discussion there can be no end, and I consider it useless to try to reply to this. It seems to be the general idea that the Government must be attacked and abused or else there can be no politics. Where such is the position, the atmosphere certainly is not conducive to the discussion of ways and means of schemes of national reconstruction. However that may be, I shall in my reply confine myself to the broad general points only.

Sir, I have listened to the speeches of opposition members who have not hesitated to find fault with the Government for their inability, as they say, to solve the problem of middle-class unemployment, bold industrial development, the problem of *dal-bhat* for the masses, primary education and so forth. It is, of course, the privilege of the Opposition to indulge in loose and irresponsible talks. People who

*An Authorised English translation of this Bengali speech will be found in the Appendix.

are not burdened with the responsibility of execution may even suggest lightly imaginary and grandiose schemes of amelioration. The duty of an Opposition is very simple. It is to oppose everything and to propose nothing. A Government unfortunately cannot revel in mental exercises. A Government has to grapple with practical problems, deal with facts and available resources, harmonise conflicting interests, carefully consider the repercussions of any proposal in other spheres and assess probable results. A Government inevitably finds enthusiasm for a go-ahead programme circumscribed by two considerations, namely, the quality of its man-power and its finances. Our problems are of such stupendous magnitude that it would be only studied self-delusion to say that they could be solved immediately or even within a short period of time.

Sir, it is a truism that the progress of a people is essentially conditioned by its environment, that the extension of self-government or nation-building activities must be limited by the resources of a people in men and in money, by the extent of public spirit and national consciousness, by the mental calibre of the average individual. Nevertheless, it is a truism that is so often forgotten. Dazzled by the highlights of the achievements of Western countries under a Roosevelt or a Hitler, people here sometimes expect their own Ministers to move with an equal pace, forgetting all the time that in resources, in human material, in national strength, unity and discipline and in loyalty to the leader, the conditions obtaining here differ so entirely. You can have as your Ministers only such men as your electors send to the Legislature as their representatives. If the electors do not return a Roosevelt or a Hitler, you cannot get one; if conditions in the country make it impossible for progress or national development to proceed at a Hitlerian pace, it is idle to expect such rapid strides to be taken not by this Government alone but by any Government you may have in its place. When I consider all this and consider at the same time the large and irresponsible orders that are yet made on the Government from time to time during discussions on the Budget, I am painfully convinced that we do not deserve better progress than what we are making.

I have been accused, Sir, by many hon'ble members of the House of a lack of boldness in formulating a comprehensive programme of mass amelioration. I do not quite know what hon'ble members mean by boldness. If they mean something whose main purpose is to catch the imagination of the people, something which is utopian, something conceived out of imagination without any realisation of the hard facts of the situation, I must confess to a lack of boldness. For such boldness is merely a luxury of an irresponsible opposition, and not a quality of a responsible statesmanlike Government. But if we mean by boldness,—as I think we should,—a full appreciation of our problems and a determination to grapple with them as expeditiously as is

possible within the limitations set by our resources in men and money, I do not think there is much lack of boldness in the Budget Statement. It only requires some measure of goodwill to perceive it. Moreover, it would be a mistake to look for everything relating to a Government's policy in the budget of one particular year. It has to be realised that the budget gives a cross-section view of a particular year only. It does not paint the whole picture. But it contains enough indications of the sound beginnings which, when completed, will yield the completed picture. Sir, when a vast structure is to be erected, and only bricks and mortar are gathered at the beginning, the unimaginative will probably fail to see their proper relationship to the structure they will help to build. Or, again, when much, but necessary, time is spent in laying a sound foundation, the unimaginative will become impatient at the delay in completing the structure. In both cases, Sir, he fails to realise that not only is the preliminary plan of enormous importance, but that a sound foundation will ensure a stable and sound superstructure.

Mr. LALIT CHANDRA DAS: Where is the plan of the building?

The Hon'ble Mr. NALINI RANJAN SARKER: If you have eyes to see, you can see galore.

These budgets we have been presenting for the last two years are but the bricks and mortar. They provide a bare sketch of what we intend accomplishing and how, and they roughly indicate the speed at which it is possible for us to proceed in view of our limitation in men and money. But because we are just busy now in framing the plans and laying the foundation, we should not be oblivious of the fact that it is for the structure we are going to erect that planning and the piling up of materials are being made. In truth, Sir, we are slowly but surely going ahead with our task of mass amelioration.

Regarded in its true perspective, each provision in the Budget will be seen to form part of a connected and comprehensive scheme being steadily carried out over a number of years. Thus a provision for rural water-supply in a particular year's budget is only a link in the chain: it represents the amount of work the Government would be doing in that particular year for the promotion of their scheme for proper water-supply arrangements in rural areas throughout the province. Similarly, a grant for quinine gives some idea of what in a particular year the Government are doing for the fight against malaria in which distribution of quinine must always occupy a large place: a grant for rural dispensaries means a step forward in the Government's scheme for the establishment of rural centres of medical aid and relief. The grants for schools, colleges and hospitals, again are only an indication of the Government's activity for the furtherance and improvement of these schools, colleges and hospitals. In

short, the provisions in the Budget do not represent mere figures they represent ideas, schemes, and plans, or rather that portion of these which is implemented in a particular year.

My hon'ble friend Mr. Humayun Kabir was vehement in his attack on the Government and the Budget on the score of absence of bold schemes. But I would like to ask what indication of having bold schemes has my hon'ble friend or the group to which he belongs ever given? Have we ever had from the learned professor even a theoretical discourse in this House on bold schemes of national amelioration? ✓

Mr. HUMAYUN KABIR: Yes.

The Hon'ble Mr. NALINI RANJAN SARKER: Don't delude yourself, Mr. Kabir.

When Mr. Kabir's group was negotiating with the Government for inclusion of a member of the group, Mr. Shamsuddin Ahmad, in the Ministry, what bold scheme, what solicitude for the masses did Mr. Kabir or his group indicate or evince in their terms? Was the condition of a sumptuary allowance or house allowance for Ministers a bold scheme that would remove the poverty and suffering of the masses? Was the abolition of nomination in local bodies without considering whether the minorities got proper representation or not, a bold scheme or a good scheme? Or, again, was the proposal to extend primary education without charging the education cess to those who, in their opinion, were unable to pay, a bold or a practicable scheme, especially when you consider that the cess is so insignificantly small, being only 10½ pies, it is only 3 pice in a whole year for a person who pays one rupee in a year as rent? Professor Kabir has remarked about some of the committees appointed by Government as so much unnecessary waste of money. But what am I to think of this criticism when I know that his group had at the time of Mr. Shamsuddin Ahmed's inclusion in the Ministry tried to make it a condition that members of the group must be represented on all these committees? Sir, I could multiply instances, but this is unnecessary. For, it is clear that my hon'ble friend is criticising the Government simply because he must. That is the way many adopt to gain limelight. But all this is a sad commentary on the situation in the midst of which we have to work. Where even a highly educated citizen, a professor of the distinction of Mr. Kabir does not realise, or care to realise, the limitations or implications of the work for national uplift, is it any surprise that our progress should be slow?

Sir, if we compare the programme of expenditure for nation-building services provided in the Bengal budget with those set forth in the budgets of other progressive sister provinces, it will become

apparent that Bengal does not lag behind any of these provinces. Sir, I am not very much enamoured of these comparisons, for, I should like to think that each Provincial Government is trying its best to carry through an ameliorative programme within the limitations under which it has to work. If, then I proceed to compare the expenditure programme of the Government of Bengal with those of some other progressive sister provinces, it is not to pass any comments on the programme of any particular Government, for, as I have said, I believe each Provincial Government is trying its utmost to bring relief to the distressed masses, but with the object of dispelling the false impression which my hon'ble members appear to entertain, namely, that in so far as the Budget is concerned a Congress Government as such must be doing very much more than what they choose to call this unimaginative Government of Bengal. Unfortunately, Congress Government as such as the Government of Bengal have to contend as I have already said before, with the hard realities of the situation, and the limitations imposed upon them by their resources in men and money. A Finance Minister, whether of the Congress or the Coalition dye, cannot possibly let his imagination an unbridled scope. He has to be true to the kindred points of objective of speedy mass amelioration and the reality of his resources in men and money—a task, Sir, which I may assure hon'ble members is extremely onerous and embarrassing.

Sir, it is universally agreed that Congress Governments are doing their utmost to push through an ameliorative programme. Nobody would accuse them of any lack of imagination or boldness. If, therefore, we compare the budgets even for this year of the Bombay and Madras Governments with that of the Bengal Government, we should have an idea of the achievements of these Governments. Apart from what is accounted for by the extension of prohibition, the total new expenditure under the nation-building departments as provided in the Madras Budget is as follows:—

	Rs.
Education	2,52,600
Medical	25,300
Public Health	11,400
Agriculture	21,700
Veterinary	12,900
Co-operation	3,000
Industries	24,900
Fisheries	1,100
Amelioration of the Condition of Labour and Harijans ...	1,89,200

The bulk of new expenditure on education consists of building and furniture grants to schools and colleges under private management. Now, I should like to ask hon'ble members wherein lies the indication of a staggering boldness in the above analysis of the expenditure programme of one of our most progressive sister provinces. This programme of allotment of expenditure is in no way better than that of the Bengal Government. In fact, any critic, if he so chose, could suggest that the Madras Government were merely tinkering with the various problems with which the province is confronted, that they had no vision and were merely following in the footsteps of the old bureaucratic regime.

I may also mention that the Madras Budget provides for an increase of Rs. 12 lakhs under "Civil Works." I do not think hon'ble members of the Madras Legislature characterised this item as mere expenditure on bricks and mortar.

Let us, again, take the Bombay Budget. The net increase in revenue expenditure in 1939-40 over the Revised for the current year is only Rs. 28½ lakhs. And here is what the Hon'ble Finance Minister of Bombay says in regard to the outstanding items of new expenditure, "we have provided not merely for a continuance of a scheme of social welfare inaugurated during the current year but in some cases also for an expansion. Thus, there is provision for Rs. 5 lakhs for expansion of primary education; of Rs. 1 lakh for strengthening the inspecting staff, Rs. 2·19 lakhs for training primary school teachers, Rs. 3 lakhs for acquisition of land for an Animal Husbandry and Dairy Institute and Rs. 2 lakhs for the building and equipment of Ayurvedic Schools. Rupees 1 lakh has been provided for spreading medical facilities in rural areas, Rs. 8½ lakhs for water-supply and Rs. 7½ lakhs for irrigation." Again I ask hon'ble members, wherein is the indication of a staggering boldness here?

Mr. LALIT CHANDRA DAS: In prohibition.

The Hon'ble Mr. NALINI RANJAN SARKER: Could not also Bombay's Budget be characterised by critics as devoid of imagination, lacking in boldness and continuing the old bureaucratic tradition? Sir, my friend Mr. Lalit Chandra Das has interjected and said that we are lacking in imagination in respect of prohibition, but because Bombay and Madras have gone in for prohibition, does he want that Bengal also should follow suit? In the rural areas, as I have explained times without number, the prohibition menace is not so acute in Bengal as in the other provinces.

Mr. LALIT CHANDRA DAS: But why should you allow it to grow at all?

The Hon'ble Mr. NALINI RANJAN SARKER: It should also be evident that in regard to allotments for new expenditure, the Bengal Budget would compare very favourably with the Bombay Budget. Where is then, Sir, the point of criticism of my hon'ble friends in opposition? No Government, whether Congress or non-Congress, can solve our problems by mere wishing or by a sweep of the legislafive arm. Each province has to evolve a practicable programme best suited to its conditions and circumstances. And in so far as budget allotments are concerned, the Government of Bengal stands amongst the foremost in our common fight against the complex problems which confront the whole country.

Sir, the greatest handicap of the Government of Bengal is the implacable opposition of the nationalist press. However good may be the intensions of the Government, they are always "suspect." Whatever the Government may do, they must be reproached and condemned. This irrational propaganda, carried on by a powerful nationalist press and a well-disciplined party in Opposition, is, as I have said, our most serious handicap. The communities which are the main supporters of Government are unorganised and not so well educated and they are wanting in resources. They do not possess any powerful press. They also do not know so well as the Opposition members do the art of subtle and intelligent propaganda. The resulting consequence is sometimes absurd if not ridiculous. Thus, if a Congress Government spends but a paltry Rs. 2,000 on, say, village libraries, the measure is magnified and described as a drive against mass illiteracy. While all that the Bengal Government may do by such benevolent measures as the setting up of Debt Conciliation Boards, the reorganisation of the Co-operative Department, the largely augmented grants for water-supply, the increased expenditure on communications for transport of agricultural produce, training of teachers for primary education, etc., are characterised as retrograde and reactionary. Sir, nothing could betray a more unjust and irrational attitude of mind. And all the trouble is, as far as I can see, a question of labels. For I have not the least doubt that if only our Government were called a Congress Government, a complete metamorphosis would have been effected overnight in the mentality of the opposition members, and they and the nationalist newspapers alike would have been the loudest in proclaiming the solid achievements,—as in actual fact they are, of the Government of Bengal. At the same time, I know, Sir, that the Opposition and the nationalist press are more concerned about labels, no matter what the contents may be.

Sir, as I sat listening to the budget discussions this year, I was impressed by the growing influence of Congress thought and ideology on the people of our country. For what many members who do not belong to the Congress spoke in criticism of my budget statement was

often nothing more than a mere repetition of the criticism given expression to by Congress members and the nationalist press. Sir, I think the Congress has ample reasons to feel happy over the extension of its sphere of influence to this new, and hitherto impregnable, territory.

There has been a lot of criticism against the Government that they have failed to introduce universal free primary education in the province. But such universal extension of free primary education is an expensive affair, and it can be in no Government's power to give effect to it at once. The Bengal Government have, however, carried out the necessary preliminary investigations as to the total number of schools to be established, number of trained teachers and the equipment that would be necessary and the total cost that all this would involve. The results of the investigations are already available. The Government had planned to give effect to their scheme of primary education in some of the districts during the current year itself. But owing to the widespread floods and distress and at the request of members of the Legislature the education cess was not imposed and the start that was contemplated would not be made. This year Government hope to be able to make a start in several districts. In this connection I must refer to the idea which some seem to entertain that expenditure in other spheres —equally essential constructive expenditures, I may add—should be suspended and a push given to primary education with the money, thus available. But apart from the fact that the money would be far too insufficient for the purpose, it has to be realised that the beneficial effects of primary education would not be discernible before two decades or so, and it is not only unwise but also impossible to postpone expenditure in other spheres all this time.

A nation's progress has to be all-round, and a Government must cater to and look after the improvement of all the departments of a nation's life. A too one-sided concentration of one aspect only while starving other departments can never be really beneficial to the nation in the end. The Government are anxious for the extension of primary education and they are doing all that they may in this respect without at the same time ignoring the needs of other branches of the national life. In conclusion, I would like to emphasise just one other point which I strongly emphasised in the Lower House also. The extension of primary education is inevitably bound up with the education cess, with the regular and punctual payment of the cess. The zemindars I believe would no longer be in a position to advance the amount of the cess so that it is imperative that the tenants should pay the cess and pay it at the proper time if the machinery of primary education is to work at all. Professor Kabir's characterisation of the Government's attempt to extend primary education by the imposition of a separate cess as a fraud is, I think, not be taken seriously. It is now practically admitted on all hands that without cess or some sort of additional taxation universal primary education would be an impossibility, and I think

Mr. Kabir only invites ridicule on himself by describing the method as a fraud.

Professor Kabir has assailed my estimate of Rs. 4½ crores for primary education as excessive. He thinks it is possible to reduce the cost per child per annum to Rs. 6 in place of Rs. 12, and thus to cut down the total cost to Rs. 2½ crores. But the figure of Rs. 6 per child would hardly bear scrutiny. In Bombay, I may mention, according to present standards the cost per boy is Rs. 16 per annum, and that per girl is Rs. 20 per annum. Compared to this, my assumption of a cost of Rs. 12 per child on an average must be regarded as conservative. Further Mr. Kabir's idea of having teachers on a rate of pay which would not normally attract a peon or a watchman is certainly not one which is likely to give us the desired type of education for our children. I may mention for Mr. Kabir's information that the rate of pay I assumed was not arbitrary; it was based on the suggestion contained in the report of the Committee of the Central Advisory Board of Education appointed to consider the Wardha Education Scheme. The Committee which had as its Chairman, the Hon'ble Mr. B. G. Kher, Premier and Education Minister, Bombay, and among its members such eminent persons as Dr. Sir Zia-ud-Din Ahmed, Rajkumari Amrit Kaur, recommended that the salary of a trained primary school teacher must in no case be less than Rs. 20 per month. I think Professor Kabir should not blame me if I accept their opinion as more authoritative than his. I was rather amazed that Mr. Kabir should advocate economy, of all things, in the pay of the primary school teacher. Evidently the trouble with most of us in retrenching is that we want to take the "me" out of economy. When my hon'ble friend himself was a candidate for a post in the Education Department of the Government he pitched his demand rather high and would not take a pie less.

Mr. Kabir said that my budget was not a poor man's budget. I am not quite clear as to what he means, for when he opposed the provision for Civil Works he was certainly opposing something which was going to help the poor man, the labourer who works on construction of roads, the mason who construct bridges or buildings and many others who would by all tokens be classed with the poor. There are many other provisions in the Budget, especially those for the nation-building departments, which would undoubtedly go to help the poor directly or indirectly.

Sir, as I sat listening to the discussion of the budget I became convinced that politics was a profession for which very little preparation was necessary.

Mr. LALIT CHANDRA DAS: You are proof of that.

The Hon'ble Mr. NALINI RANJAN SARKER: I listened attentively to the speech of the Maharaja of Santosh. He requested me

to adopt the schemes he had given. I do not know what to say to him. In the first place, his schemes are more ideas than schemes, and most of them are so utopian in character that I think that with our limited resources it is not possible to give effect to them and I am sure the Maharaja himself could not be able to implement these were he in my position. His schemes moreover are not conceived with an eye to the urgency or priority of the various claims on the resources of the state, and while all his schemes would no doubt be beneficial, were it possible to implement them, I think he would not find it easy to have many of these accepted by the House itself, so remote they are from the practical realities of our situation. I was very much surprised when my hon'ble friend the Maharaja of Santosh began to unfold his multitudinous plans for utilising the proposed loan of Rs. 1 crore. He would with this sum start industrial schools all over the province, reorganise schools and colleges on a residential basis, introduce the system of co-operative zemindary, to the enduring benefit of the landlords and tenants, and finance various other schemes which would, in short, introduce a millennium for which the Maharaja has been so earnestly looking for the last two years. I could not imagine, Sir, before I heard the Maharaja, that a crore of rupees could go so far. Nor that a loan once taken----

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I rise on a point of personal explanation, Sir? I never meant that Rs. 1 crore was quite sufficient for all the schemes suggested by me. I meant that Rs. 1 crore would be sufficient for any one of the schemes that I have mentioned.

The Hon'ble Mr. NALINI RANJAN SARKER:——Nor that a loan once taken could place us in funds for all time to come.

My friend Khan Sahib Abdul Hamid Chowdhury has dwelt on the necessity of giving some help to the Presidency College for a separate Muslim Hostel and also for a Hall, and for the improvement of the Baker Hostel, for establishing B. Sc. Classes in the Ananda Mohan College, Mymensingh, for improvement of the Lytton Medical School, and a few other schemes. He has said that these are omitted from the budget of this year. They were not omitted. But the fact is that they have not come to the Finance Department as yet. The schemes suggested by the Khan Sahib to my mind are such as deserve encouragement and I would ask him to advise the authorities of the institutions to approach Government through the proper channel.

Sir, I had the audacity to make a statement in this House describing the duties of this House. I found that though it was my honest intention to place facts as I have understood them, I have irritated many. I hope you will forgive me if I try to withdraw all those remarks which

I have made in this connection and I also found, Sir, that it was impracticable, because the Maharaja Bahadur has made the first condition that if I accept the sane counsel it must be a condition precedent that one of you should be a Minister. This condition, I am powerless to satisfy. Then, Sir, I described the members of the Lower House as peoples' representatives. By that I do not mean that you are not peoples' representatives. What was passing through my mind in a hurry was that there are members in this House who sought election from popular constituencies, but they did not get the confidence of the people there, and then through the Lower House, the peoples' representative House, they have come to this House. That was in my mind. In a hurry I said that the Lower House is the representative of the people. By that I did not mean any aspersion that you are not the representative of the people.

Rai Bahadur Brojendra Mohan Maitra said that while I have introduced some taxation measures on dogs, why I have omitted taxation on horse. That is exactly my defence, Sir, that you want to criticise the Budget without knowing anything. If Mr. Brojendra Mohan Maitra had the time and inclination to read and go through the Red Book, on page 23 he will find that there is already a tax on horse racing, and we get 10 lakhs of rupees a year out of horse racing.

Mr. RANAJIT PAL CHOUDHURY: It is not a fresh taxation, it is an old one.

The Hon'ble Mr. NALINI RANJAN SARKER: Don't give interpretations. What you have said is enough.

My friend Mr. Kader Baksh has said that the 30-rupees tax which I propose to levy on occupation and calling will be hard to bear for those on whose shoulders it will fall. Sir, taxation is resented by everybody. That is true, but those who pay income-tax, those whose income is Rs. 2,000 per annum, I think they will be able to bear this. The only fact is that I have not been able to make it graduated. It is not that I intentionally did it. I was not allowed to do it. I wanted a graduated tax, but I was forbidden to do it by the Government of India.

Dr. RADHA KUMUD MOOKERJI: Why not follow the United Provinces model?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not a professor of the Lucknow University to follow the United Provinces model. Let United Provinces take a lesson from me.

With these few words, Sir, I want to resume my seat. If I have omitted anything in reply, I hope the members will excuse me, because

it is not possible to give reply to every individual item which has been stated by the members.

Mr. RANAJIT PAL CHOUDHURY: What about the "Azad"?

The Hon'ble Mr. NALINI RANJAN SARKER: About the "Azad" I made a statement in the Lower House. Maulana Akram Khan himself said something about that.

Mr. RANAJIT PAL CHOUDHURY: What is the statement?

The Hon'ble Mr. NALINI RANJAN SARKER: I would beg the members of the Congress Party not to tease me on these matters, because if I begin to say things, it will not be palatable to them.

Mr. RANAJIT PAL CHOUDHURY: What about the Premier's statement?

The Hon'ble Mr. NALINI RANJAN SARKER: We have provided Rs. 30,000 for the "Azad". If it is in the interests of this administration, if it is necessary to have an arrangement with some paper we must do it, and we are doing it openly. You have got every right to throw it out if you can. The Premier in his statement said that he would not give out of that one lakh of rupees any subsidy to any paper. You must hear him. Last year when we brought up the budget for one lakh of rupees, both the Premier and myself said that the one lakh of rupees is not meant for subsidy to any paper. This year we have provided Rs. 30,000. If the Legislature gives us permission we shall utilize it; if it is not their intention to give subsidy to papers, we shall do so. But don't say things in such a loud tone. There is no difference between payment in cash and payment in kind. You remember that your leader accused us that we wanted to bribe your papers. Our previous Government gave perhaps to the nationalist press without showing it in the budget. We are clearly showing in your presence that we are providing for some money. You can accept it, or you can throw it out if you like.

Mr. NARESH NATH MOOKERJEE: You are ruining that paper.

The Hon'ble Mr. NALINI RANJAN SARKER: If you try to ruin your papers by giving advertisements to them and by helping them by all other various methods, certainly we can help our paper openly with the permission of the Legislature.

Mr. RANAJIT PAL CHOUDHURY: Then "Azad" is a Government paper!

Mr. PRESIDENT: Order, order. The House will now take up the Bengal Tenancy (Second Amendment) Bill, 1938, as passed by the Assembly.

GOVERNMENT BILL.

Bengal Tenancy (Second Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tenancy (Second Amendment) Bill, 1938, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Tenancy (Second Amendment) Bill, 1938, be taken into consideration.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, from the list of amendments I find that my friend the Hon'ble Maharaja of Santosh is moving a motion for reference of this Bill to a Select Committee. So, I yield to him.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I beg to move the motion which stands against my name. It runs thus:—

That the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,
(2) Sir Edward Benthall,
(3) Mr. Kamini Kumar Dutta,
(4) Raja Bhupendra Narayan Sinha Bahadur,
(5) Dr. Radha Kumud Mookerji,
(6) Raj Manmatha Nath Bose Bahadur,
(7) Rai Satis Chandra Mukherji Bahadur,
(8) Khan Bahadur M. Abdul Karim,
(9) Mr. Humayun Kabir,
(10) Khan Bahadur Ataur Rahman,
(11) Khan Bahadur Saiyed Muazzamuddin Hosain,
(12) Mr. E. C. Ormond,
(13) Mr. Hamidul Huq Chowdhury,
(14) Mr. Saileswar Singh Roy,
(15) Rai Keshab Chandra Banerjee Bahadur, and
(16) the mover,

with instructions to submit their report within a fortnight from the date of reference.

Mr. PRESIDENT: Order, order. May I draw your attention that you have omitted to provide for the quorum which you may do now?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I would accept the quorum that has been named in the other motion. May I do so with your permission?

Mr. PRESIDENT: You simply add that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: All right, Sir. It may appear that, the Bill being a very short one, it is unnecessary to refer it to a Select Committee. But I should like to say that a very important principle is involved in the clause under review. When the Tenancy (First Amendment) Bill was on the anvil, almost every one of us of this House felt that we should do something for speedy realization of rent, but nothing could be done as we had to yield to a thoughtless opposition. If the percentage of damages prescribed in the existing clause of the Act is lowered, it will certainly make matters worse. The inevitable result of such a step would be to increase the number of defaulters. It is more or less a penal clause and it its stringency is relaxed the habitual defaulters will grow definitely worse. Besides, a tenant should realize that it is not to his interest to allow the burden of his dues to grow heavier. He should know that if it grows excessively heavy, it would be ultimately impossible for him to pay his debts and his economic life will be ruined. I think we should, therefore, try, if we can, to so amend the clause or so amplify it as would train the tenants to habits of punctual payment of their dues, so that their credit may be rehabilitated. I am sure that rural credit cannot be restored or will be very difficult to restore if the stringency of the law in respect of defaulters is relaxed. On the other hand, if it is found that the Act has a tendency to encourage defaulters, the land-holders would apply more rigorous measures to realize their rent. The Bengal Agricultural Debtors' Act and the proposed Money-lenders Act have seriously affected the rural credit. I am sure that if the stringency of the clause under discussion is in any way relaxed, then the result would be that the rural credit will be practically destroyed and any economic development in the rural areas will be impossible. A Select Committee should be appointed to go into this matter, to carefully weigh in the balance the circumstances of the case and suggest a deterrent penalty to be imposed on habitual defaulters or tenants who wilfully neglect to pay their dues. Here is an opportunity to rectify the mistake which has been done by suspending the certificate procedure without providing any other means of speedy recovery of legitimate dues. It is possible to so amend for amplify the

clause under review as may provide a brake to check those who try to avoid payments of their legitimate dues and thereby not only affect the land-holders but also their own economic lives.

I admit that the Bill is a very short one, but it is imperative to put our heads together to evolve some such provision which will be sufficiently deterrent to induce the tenants to pay off their undisputed dues. Let us do something which will show that this Government is not willing to encourage the defaulters and that it is desired in the interests of the tenants as well as of the land-holders and also for various economic developments in the rural areas that every man should realise and fulfil his obligations. If that is done, I think a lot of good will accure from it. With this end in view, I am suggesting that a Select Committee should be appointed to bring about this beneficial change. There are unfortunately various suggestions to reduce the percentage of damages notwithstanding the fact that the clause does not give power to the Court to award both interest and damages.

The proposed reduction in any case will only encourage the defaulters and will make it all the more difficult for the landlords to realise their rents. It will also make it increasingly difficult for the tenants to extricate themselves from their debts. Let us therefore put our heads together and try to so amend this clause as to train them to habits of regular and punctual payment of their dues. With this end in view, I beg to move my motion and I hope that the House will accept it, more so, as it will touch only those who are habitual defaulters or wilfully neglect to pay their dues.

Mr. PRESIDENT: Amendment moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Sir Edward Benthall,

(3) Mr. Kamini Kumar Dutta,

(4) Raja Bhupendra Narayan Sinha Bahadur,

(5) Dr. Radha Kumud Mookerji,

(6) Rai Manmatha Nath Bose Bahadur,

(7) Rai Satis Chandra Mukherji Bahadur,

(8) Khan Bahadur M. Abdul Karim,

(9) Mr. Humayun Kabir,

(10) Khan Bahadur Ataur Rahman,

(11) Khan Bahadur Saiyed Muazzamuddin Hosain,

(12) Mr. E. C. Ormond,

(13) Mr. Hamidul Huq Chowdhury,

(14) Mr. Saileswar Singh Roy,

(15) Rai Keshab Chandra Banerjee Bahadur, and

(16) the mover.

with instructions to submit their report within a fortnight from date of reference; and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose this motion to refer the Bill to a Select Committee on a very simple point, namely, the question of the reduction of the rate of damage from 25 per cent. to 12½ per cent. It would very much look dilatory tactics, and that for nothing. After all, the matter will have to be decided by the whole House. If only 13 or 14 gentlemen meet together and come to a certain decision that such and such a rate should be the damage for non-payment of rent, even then the question will have to be referred to the whole House. I suggest, Sir, that this House may be taken as sitting as a Select Committee and the question may be discussed here on the floor of the House, and decided now and for all time to come. Therefore, Sir, we of the Congress party cannot be a party to this amendment.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, I also regret to differ from the Maharaja of Santosh on the simple ground that the subject-matter underlying the Bill in question is very simple. I am in full agreement with Mr. Lalit Chandra Das that this simple thing may be discussed threadbare on the floor of this House, and it is quite unnecessary to commit the Bill to a Select Committee to consider such a simple thing and to waste time over that. Another point which strikes me is this: Sir, we have already reduced the rate of interest due to default of payment of rent. So, to keep consistency with that part of the law, I think it is in the fitness of things that we should reduce the rate of damage also. With these words I oppose the amendment of the Maharaja Bahadur.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: মাননীয় সভাপতি মহাশয়, আমি মহারাজার এই প্রস্তাব সমর্থণ কোরতে পারি না। কেন না, এই ব্যাপার অতীব সামান্য বিষয়। ক্ষতিপূরণের হার ১২৷৷০ টাকা Lower House যে বোলে দিয়েছেন সেইটাই ঠিক থাকবে, না অন্য রকম কিছু হবে, সেটা Select কমিটিতে বিবেচনা কোরতে দেওয়ার কি কারণ থাকতে পারে আমিতো বুঝি না। একটি মাত্র point, সুতরাং whole House ই অনায়াসে ঠিক এটা কোরতে পারেন। অতএব এই ক্ষুদ্র বিষয়ের জন্য অত লম্বা-চওড়া কিছু করা আমি সঙ্গত বিবেচনা করি না। তারপর মহারাজা বাহাদুর যে Select Committee র প্রস্তাব দিয়েছেন, সে কমিটিতে প্রগ্রেসিভ পার্টি থেকে আছেন ছয় জন, কিন্তু

মোট ৬।৭ জনের বেশী মেম্বর তাঁর পার্টিতে আছেন কিনা জানি না। কোয়ালিশন পার্টির মধ্যে বহু মেম্বর থাকা সত্ত্বেও তিনি তার ভিতর থেকে মাত্র ৪ জনের নাম কোরেছেন। Congress Group এ ৬।৭ জনের কম নাই, সেখানথেকেও মাত্র ২ জনের নাম দিয়েছেন। অথচ য়ুরোপিয়ান গ্রুপের ৩।৪ জনের বেশী মেম্বর হাজির হন না, সেখানথেকেও ২ জন নিয়েছেন। সিডিউল কাষ্টথেকে একজন নিয়েছেন এ রকম একটা সিলেক্ট কমিটির যে কোন আবশ্যকতা আছে তা আমরা মনে করি না।*

Mr. KADER BAKSH: I also oppose the proposal of the Maharaja Bahadur with all the emphasis I can command—simply on this ground, that the Maharaja is a visionary so far as his ideas are concerned. The proposals are so very intricate and at the same time reactionary that one need not talk about them. The Maharaja Bahadur has said that it will have a very bad effect upon the people. It will make them not to pay; it will encourage in them the habit of not paying their dues. There is absolutely no foundation for this at all. If people have funds, they will pay. If you want to realise forcible payments, they will not pay. He has absolutely forgotten the atmosphere which is coming to prevail everyday in this country, and he should have been alive to these things. He has spoken of rural credit, which has indeed been shaken, but I can also say that urban credit has also been shaken much more. Now, Sir, when the people in the urban areas take any loan or go on borrowing, they tend not to pay it back, not because they are not willing to pay, but because they have not got the means to pay. Such is the condition in the interior. If you want them to pay more than 12½ per cent., they will not pay, because if you oppress them for this rent, then they will turn round and say that they will not pay, but would ask for a compromise, namely, 12½ per cent., and in that case they will be prepared to pay if the position is explained to them.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I ask your permission, Sir, to speak in Bengali?

Mr. PRESIDENT: No, that is not the language of the House; you must speak in English.

Rai KESHAB CHANDRA BANERJEE Bahadur: All right, Sir.

Sir, I am surprised to find that so much heat should have been generated over this simple question. The Maharaja Bahadur has only suggested the formation of a Select Committee to go fully into the question and to advise the Council. Sir, if I remember aright, on

*An Authorised English translation of this Bengali speech will be found in the Appendix.

several occasions in the past non-official Bills were sent to Select Committees at the instance of the Ministers in charge of the departments concerned, on the ground that the Select Committee ought to have an opportunity of calmly going into the question and advising the Legislature. Sir, I am awaiting the reply of the Hon'ble Minister to this point. It was he who on one occasion suggested in reply to my motion for passing a Bill on the floor of this House,—I mean the Municipal Amendment Bill,—for the amendment of a particular section, a very simple section relating to sanitation, that it should go to a Select Committee. That was about 4 or 5 years ago, and I think he has not forgotten that. I think, Sir, that this matter should go to a Select Committee. I am also surprised to hear certain remarks made by Mr. Kader Baksh that it does not pertain to a question of rural credit. Urban credit has also been affected, but we are concerned with rural credit in dealing with this particular question. The Maharaja Bahadur has referred to rural credit. On account of the passing of the Bengal Agricultural Debtors' Act, it is the poor people—I mean the poor peasants—who have suffered more than anybody else. The time given for the submission of the report of the Select Committee is only 15 days. I do not think any harm will be done to anybody or any party if the Bill is passed after 15 days or after 3 weeks, because by the time that the Select Committee presents its report towards the end of March, the Council will be in session, and so will be able to consider the matter; that is why I think it should go to a Select Committee.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I submit that this amendment is merely consequential to what has been done by the last Bengal Tenancy (Amendment) Bill, now an Act. Before that the rate of interest payable by the tenants for arrears of rent was 12½ per cent. per annum. If you calculate the interest at that rate for 4 years' arrears, it will come to about 25 per cent. on the whole claim. So, while the rate of interest payable by the tenants was 12½ per cent. per annum, mathematically the rate of damages for the landlords was fixed at 25 per cent. This was to simplify calculation. The calculation of interest for each quarter is a very complicated affair. Now, as the rate payable by the tenants has been reduced to 6¼ per cent., logically, the rate of damages should be reduced to 12½ per cent. This should have been done by the same Bill. But this was not done. This was due to an accidental omission on the part of somebody. Amendments were actually proposed in this House as well as in another place to reduce the rate of damages to 12½ per cent., to make it consistent with the reduced interest, but they were overruled and rightly overruled on the ground that they were beyond the scope of the said Bill. This Bill has been introduced to supply that accidental omission, and is a logical consequence of what has been

done on the last occasion, and I think we should accept the amendment proposed by the Bill.

Mr. HAMIDUL HUQ CHOWDHURY: After hearing the Maharaja of Santosh, Sir, I want it to be recorded that I am against all principles of damage. I am against it because the Maharaja of Santosh has argued that in order to induce the tenants to pay their rents in time, damage or interest should be imposed upon them in case of default. My submission is that the modern principle that is followed in business houses, namely, the rebate system, should be introduced, so that the tenants who pay in time should get reduction of a portion of their rent, and those who do not pay in time will pay the full rate.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is my misfortune that I find myself in opposition to the Maharaja of Santosh over every amendment of the Bengal Tenancy Act. But I am getting myself reconciled to the situation and I submit to the inevitable.

As Khan Bahadur Nazirudin Ahmad has pointed out, the amendment is merely a consequential one; it was an accidental omission in the Bengal Tenancy [Amendment] Bill which was passed by this House last year. Section 67 of the Act was amended, and section 68 should also have been amended along with it, but through an oversight this section was not included in the amending Bill. The Maharaja Bahadur has said that his amendment will improve rural credit, whereas the amendment, if accepted, will take away the last weapon of speedy realisation of rent. I have got every sympathy with the Maharaja as regards speedy realisation of rent. I do not for a moment doubt that the landlords do require some means for realisation of rent and such a measure will be in the interest of the landlords, tenants and Government, all alike. But if that is the objective, I think it should be done in a straightforward way by introducing a separate amending Bill incorporating certain provisions which will bring about that desired result and not by keeping the rate of damage at 25 per cent. The rate of damage has been proposed to be reduced to 12½ per cent. to make it consistent with the rate of interest which has been brought down from 12½ per cent. to 6¼ per cent. in the Bengal Tenancy Amendment Act.

Sir, it has also been argued that the amendment suggested in this Bill is not likely to help the improvement of the economic condition of the tenantry. That is an argument which I fail to understand. This Bill is a very simple one. It does not involve any change in principle. The change in principle was accepted by this House in connection with the amendment of section 67. So the House already stands committed to the change in principle. In the Amending Bill, now before the House, I simply propose a change in the rate of damage in consonance with that principle to which the House is already committed. With these words, I oppose the amendment of the Maharaja Sahib.

Mr. PRESIDENT: The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Sir Edward Benthall,

(3) Mr. Kamini Kumar Dutta,

(4) Raja Bhupendra Narayan Sinha Bahadur,

(5) Dr. Radha Kumud Mookerji,

(6) Rai Manmatha Nath Bose Bahadur,

(7) Rai Satis Chandra Mukherji Bahadur,

(8) Khan Bahadur M. Abdul Karim,

(9) Mr. Humayun Kabir,

(10) Khan Bahadur Ataur Rahman,

(11) Khan Bahadur Saiyed Muazzamuddin Hosain,

(12) Mr. E. C. Ormond,

(13) Mr. Hamidul Huq Chowdhury,

(14) Mr. Saileswar Singh Roy,

(15) Rai Keshab Chandra Banerjee Bahadur, and

(16) the mover,

with instructions to submit their report within a fortnight from the date of reference, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion was lost.)

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. on Monday, the 6th of March.

Adjournment.

The Council then adjourned till 2-15 p.m., on Monday, the 6th March, 1939.

Members absent.

The following members were absent from the meeting held on the 28th February, 1939:—

(1) Mr. Kamini Kumar Dutta.
(2) Khan Bahadur S. Fazal Ellahi.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Saiyed Muazzamuddin Hosain.
(6) Mr. Mohammad Hossain.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Mr. T. Lamb.
(9) Mr. H. P. Poddar.
(10) Rai Sahib Jatindra Mohan Sen.
(11) Khan Bahadur M. Shamsuzzoha.
(12) Mr. D. H. Wilmer.

B. G. Press—1938-39—13231A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 6th March, 1939, at 2-15 p.m., being the thirteenth day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Motion to adjourn the meeting of the Council.

Dr. RADHA KUMUD MOOKERJI: Sir, before the House commences its business to-day, may I have your kind permission to move the following motion which I shall read with your permission: —

> That this House do stand adjourned to-day in consideration of the grave situation created in the country by reason of Mahatma Gandhi resorting to the extreme form of protest against the conduct of the authorities of the Rajkot State.

If I have your permission to move the motion, then I may make my statement in support of the same.

Mr. PRESIDENT: Order, order. It is undoubtedly true that a very grave situation has arisen due to the vow taken by Mahatma Gandhi of fasting unto death, but it will be for the House to decide if it should adjourn on that account. The Chair will be willing to follow the decision of the House in this matter.

Dr. RADHA KUMUD MOOKERJI: May I, Sir, explain why I bring forward the motion? I think, Sir, that the very unfortunate——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir——

Mr. PRESIDENT: Order, order. I shall not take any vote, but I shall consult the wishes of the House. If there is general assent in favour of adjourning the House, it will be done; but if there is objection, no adjournment will be possible.

Mr. MESBAHUDDIN AHMED: We have objection to the moving of the motion, Sir.

Dr. RADHA KUMUD MOOKERJI: May I have a hearing, Sir?

(Cries of "No, no.")

Dr. RADHA KUMUD MOOKERJI: My proposal amounts to this, Sir, that out of consideration——

The Hon'ble Khwaja Sir NAZIMUDDIN: You have given your decision already, Sir, and therefore the hon'ble member cannot speak on it any further.

Mr. PRESIDENT: As I have already declared, if there is general assent, certainly the House will be adjourned, but if there is objection, as it is now being made by the Ministerialist Party——

Dr RADHA KUMUD MOOKERJI: May I have an opportunity of making out a case before I am condemned unheard?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, he wants to deliver a speech for the Press.

Dr. RADHA KUMUD MOOKERJI: I appeal to the Leader of the House to give me a hearing on this very important matter.

Mr. PRESIDENT: What is your opinion, Khan Bahadur M. Abdul Karim, with regard to this matter?

Khan Bahadur M. ABDUL KARIM: Sir, hon'ble members on this side of the House do not agree to the motion placed by my friend, Dr. Radha Kumud Mookerji. We do not consider that the motion is necessary and we are not in favour of adjournment.

Mr. PRESIDENT: As there has been objection from the Leader of the Coalition Party, the House cannot be adjourned.

Mr. PRESIDENT: Questions and Answers will now be taken up.

QUESTIONS AND ANSWERS

Committees for the improvement of madrassah and primary education.

67. Mr. LALIT CHANDRA DAS (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether in respect of the

following Committees appointed by the Government, any provision has been made for getting *interim* reports as to the progress of the work done by them—

(*i*) the Committee appointed to investigate into the problem of improving Madrassah Education in the province and to make recommendations in the matter; and

(*ii*) the Committee appointed to investigate into the problem of improving primary and adult education in the province and to make recommendations in the matter?

(*b*) Has any *interim* report been made by any of the said Committees?

(*c*) Do the Government intend to give publicity to such *interim* reports, if any, received by them?

(*d*) Have any steps been taken by the Government to keep themselves and the public informed of the progress and the nature of work done by these Committees?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) and (*c*) The questions do not arise.

(*d*) Meetings have been held and questionnaires have been drawn up and issued.

Change of text-books in schools.

68. Khan Bahadur MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the fact that different books on subjects like Geography, History and Mathematics are selected for the boys of high schools from class VII to class X involving great pecuniary loss to the guardians?

(*b*) If the answer to (*a*) be in the affirmative do the Government propose to take suitable steps for introducing the same books on those subjects from class VII to class X to remove their hardships mentioned in part (*a*) above?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Text-books in Mathematics are the same for classes VII to X. So far as History and Geography are concerned, two sets of text-books, viz., one set for classes VII and VIII and the other for classes IX and X, are used in high schools.

(*b*) It is not considered desirable to change the present system of preparing text-books on History and Geography as the standard, language and method of treatment of the subject-matter vary according to the age of the children for whom these books are written. If the books written for the Matriculation Examination are introduced into classes VII and VIII the pupils will be under a great handicap.

Municipality at Beldanga.

Khan Bahadur ATAUR RAHMAN (on behalf of Rai Surendra Narayan Sinha Bahadur): (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that people of Beldanga in the district of Murshidabad are moving for establishing a Municipality at Beldanga in place of the Union Board?

(*b*) Is it a fact that the Government and the Public Health Department have received representations from that locality?

(*c*) If so, what action has the Government taken in the matter?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) and (*c*) No representation has been made to Government or to the Public Health Department, but it has been ascertained that a representation has been submitted to the Divisional Commissioner.

Prohibition in the Noakhali district.

***70. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) whether the experimental measure of prohibition confined to alcoholic beverages, started in the district of Noakhali from April, 1938, has been successful; if not, why not;

(*b*) whether the Government will please make an enquiry how far the experiment in prohibition in the Congress Provinces of Madras, the Central Provinces and other places has been successful;

(*c*) the percentages of people in Bengal who have taken to drinking wine and to place statistics on the subject, if available; and

(*d*) whether the Government propose to enforce total prohibition in Bengal except in cases where wine is used for medicinal purposes and in case of Europeans who take wine as their usual drink?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) The results are being examined.

(*b*) An enquiry will be made.

(*c*) Statistics are not available.

(*d*) Government are giving their best thought to the question.

*This question was not put when the name of the hon'ble member was called out by the Hon'ble the President.

Assistant Surgeon in the King Edward Hospital of Midnapore.

71. Rai MANMATHA NATH BOSE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state why an Assistant Surgeon is not posted to the (Sadar) King Edward Hospital in Midnapore for some years past?

(*b*) Will the Hon'ble Minister be pleased to post an Assistant Surgeon at the Sadar Hospital at Midnapore at an early date? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The Assistant Surgeon posted at the King Edward Hospital, Midnapore, was replaced by a Sub-Assistant Surgeon on the representation of the Commissioners of the Municipality as they were unable, owing to financial stringency, to make the usual contribution, which is levied at concessional rates, for the services of an Assistant Surgeon.

(*b*) This is not possible unless the Municipality undertakes to pay the prescribed contribution.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state what is the amount which is necessary to contribute for the services of an Assistant Surgeon?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am sorry I cannot reply just now what the exact figure is: I ask for notice.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister also be pleased to state when was it that this representation was made by the Commissioners for the services of an Assistant Surgeon?

The Hon'ble Mr. TAMIZUDDIN KHAN: Several years ago, as far as I can remember.

Daily copying work of Moharrir.

72. Mr. HUMAYUN KABIR (on behalf of Mr. Shrish Chandra Chakrabarti): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is aware that a circular letter No. 11306-32, dated the 5th August, 1938, was issued by the

Inspector-General of Registration, Bengal, to all the districts of Bengal, ordering therein that the daily copying work of each *moharrir* should not fall short of 12 pages and comparing work short of 24 pages, as provided under paragraph 309 (*c*) of the Bengal Registration Manual?

(*b*) If so, will the Hon'ble Minister kindly state whether the procedure is being followed by all the district offices and also by the rural offices under the same?

(*c*) Is it a fact that the above procedure for the performance of the minimum amount of copying work and that of comparing work by each *moharrir* is hardly followed in the rural offices under the 24-Parganas and other district sub-offices?

(*d*) If the answer to clauses (*a*) to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state why and under what circumstances the above circular is not being specially followed in the rural offices by the District Sub-Registrar of 24-Parganas and other districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) to (*d*) Sometimes it happens that the minimum standard is not reached owing to the fact that the *moharrirs* concerned have been employed on work other than copying or comparing work.

Compulsory military training.

73. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he is aware of the fact that there is a great demand in the province for the early introduction of compulsory military training in the higher classes of schools and intermediate colleges and compulsory physical training in all classes?

(*b*) Has the Government prepared any scheme for the same?

(*c*) If not, does the Government contemplate or propose to prepare any scheme for the same?

(*d*) What steps has the Government taken upto this time to introduce compulsory physical training in all classes of schools?

(*e*) How much does the Government annually spend on physical education in Bengal?

(*f*) Is the Government considering to appoint a committee to draw up a syllabus of physical culture suitable with necessary variation for urban and rural schools under a scheme of compulsory physical training and to advise Government as to how the proposed scheme of physical

training can be fitted into the school routine and to suggest methods of imparting it without placing any considerable extra financial burden on State funds or the funds of private institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Government have considered a scheme for the introduction of cadet training in high schools, but have decided that cadet training is not at present desirable. Before introducing military training on the cadet system, it is necessary to introduce a thorough system of physical education to build up health, physique, and physical vigour.

(*c*) Not at present.

(*d*) Complsory physical training was introduced ten years ago in all Government and aided schools. The University has not yet made the subject compulsory in recognised private schools, but is considering the matter.

(*e*) The sum allotted for Youth Welfare work along the lines of physical education during the current year is Rs. 2,50,000.

(*f*) The present syllabus of physical training, which has been evolved by the Education Department during the last ten years is considered fully satisfactory. It can be introduced in any school without adding considerable financial burdens.

Office of the Inspector-General of Registration.

74. Mr. HUMAYUN KABIR (on behalf of Mr. Shrish Chandra Chakraverti): Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the name of each clerk serving at present in the office of the Inspector-General of Registration, Bengal, with their—

(*a*) dates of appointment;

(*b*) qualifications;

(*c*) present address and home address;

(*d*) the age and initial pay at the time when they joined the Registration Department;

(*e*) present age and salary and

(*f*) whether any extension of service has been granted to any of them, and if so, on what grounds?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement is placed on the table giving the required information except the information as regards the present addresses referred to in (*e*), as such information is not a matter of public concern.

Statement referred to in the reply to clauses (a), (b) and (d) to (f) of question No. 7x showing the names of clerks serving at present in the office of the Inspector-General of Registration.

Name.	Date of appointment.	Qualifications	Address		The age and initial pay at the time when they joined the Registration Department.		Present.		Whether any extension of service has been granted to any of them and if so, on what grounds.
			Present.	Home.	Age.	Initial pay.	Age.	Salary	
Upper Division.					Years.	Rs	Years.	Rs.	
(1) Babu Satis Kumar Bose ..	15-11-05	Plucked B.A. ..	....	Dacca	20	30	54	250	
(2) Babu Brojendra Nath Mukherji.	1-12-12	Non-Matric. ..	....	24-Parganas ..	25	40	52	200	
(3) Babu Khagendra Nath Ghosh.	1-11-07	Plucked B.A. ..	. .	Dacca	24	30	55	200	Granted one year's extension under Rule 56(*b*) of the Fundamental Rules
(4) Maulvi Muzaffar Ahmad ..	19-9-19	I.A. (Final Madrassah Passed).	....	Noakhali .	27	70	47	185	
(5) Babu Ambuj Lal Chatterji	1-10-10	Non-Matric. ..	...	24-Parganas .	24	30	53	140	
(6) Babu Monoj Kumar Bose ..	21-7-11	Read up to B.A. ..	. .	Calcutta ..	25	30	53	125	
Lower Division.									
(1) Babu Prantosh Ganguli ..	1-2-14	Non-Matric. ..	...	24-Parganas .	24	30	49	120	
(2) Babu Bhupendra Nath Mukherji.	9-1-14	F.A. plucked ..	....	Jessore ..	25	30	50	120	
(3) Babu Anath Nath Sen ..	1-1-16	Entrance Passed ..	. .	Nadia ..	29	30	52	120	
(4) Maulvi Shafiur Rahman ..	20-12-15	Appeared at I.A. ..	....	Calcutta ..	22	30	46	120	
(5) Babu Sivadas Banerji ..	1-9-19	Matric. ..	....	Ditto ..	22	30	42	104	
(6) Maulvi Najmul Huq ..	2-2-25	Read up to I.A. ..	....	Birbhum .	25	45	40	83	
(7) Maulvi Sk. Md. Ibrahim ..	2-1-26	Read up to I.A. ..	....	Jessore ..	23	45	36	83	
(8) Maulvi Md. Sajjad Ali Khan	19-3-29	B.A. ..	....	Nadia ..	22	45	32	71	

(9) Maulvi Nawab Ali Sikdar ..	1-5-31	B.A. ..	....	Dacca ..	23	45	31	65	
(10) Maulvi Md. Tafazzulul Huque.	1-4-32	B.A. ..	....	Chittagong .	22	45	29	62	
(11) Maulvi Md. Shafiq Ahmed Khan.	1-4-32	Matric. ..	..	United Provinces .	20	45	27	62	
(12) Maulvi Md Reza Rabbani	1-4-32	B.A. ..	....	Tippera ..	23	45	30	62	
(13) Babu Monoranjan Das .	2-5-32	Undergraduate ..	....	Ditto .	22	45	29	62	
(14) Babu Deb Kumar Paul ..	1-4-33	B A. ..	....	Barisal ..	25	45	31	56	
(15) Maulvi Md. Abdul Jabbar	13-7-33	B.L ..	....	Chittagong ..	22	45	28	56	
(16) Maulvi Md Lutfur Rahman	2-6-34	B.A. ..	....	Hooghly ..	23	45	28	56	
(17) Babu Sailendra Kumar Maulik	2-6-34	B.L. ..	....	Mymensingh ..	22	45	27	56	
(18) Babu Rabindra Nath Banerji	5-6-34	B.A ..	....	Calcutta ..	24	45	29	56	
(19) Maulvi Md Abdur Rahman	11-4-35	B.A. ..	....	Dacca ..	22	45	26	50	
(20) Babu Ram Narayan De ..	12-10-38	I A. ..	....	Nadia .	19	45	20	45	
(21) Vacant									
(22) Vacant.									
Despatcher and typists.									
(1) Babu Jyotiranjan Kanjilal	1-4-25	B A ..	....	Dacca .	25	45	39	70	
(2) Babu Manindra Nath Ray	1-6-29	B A ..	....	Tippera ..	24	45	34	65	
(3) Babu Narayandas Chakraborty.	25-11-37	Matric. ..	....	Calcutta ..	25	45	27	45	
Stenographer.									
(1) Maulvi Kabirul Hasan ..	9-9-16	...	....	Bihar ..	23	Not available as the service book is not in this office.	46	175	Transferred to Legislative Assembly Department.

Primary education cess.

75. Mr. HUMAYUN KABIR (on behalf of Mr. Lalit Chandra Das): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether with reference to the Bengal Primary Education Act, the Hon'ble Minister, while an ordinary member of the Bengal Council, delivered a strong and uncompromising speech against the imposition of education cess in Bengal?

(*b*) In how many districts has the education cess been imposed and is being realised? What are those districts? What are the districts in Bengal where the imposition of that tax has been suspended?

(*c*) Is the education cess at first wholly payable by the landlords and subsequently recoverable from the tenants? If so, in what proportion is the tax payable by the landlords and tenants?

(*d*) Is it a fact that due to floods and low price of jute, the condition of the tenants has considerably worsened throughout the province?

(*e*) Is it a fact that owing to the operation of the Bengal Tenancy (Amendment) Act, 1938, and the Agricultural Debtors Act, the condition of the capitalists including the landed gentries has been disastrously affected resulting in many cases in their inability to pay rents and revenues?

(*f*) Can the education cess be added up with the land revenue or rent and for total demand thus raised, can a property be sold under the Sunset Law or the Putni Regulation? If not, will Government stop such practices?

(*g*) Do the Government propose to suspend the operation of the education tax till it is possible for Government to evolve a scheme of free and compulsory primary education which can be financed without the levy of the education cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The hon'ble member is referred to the relevant proceedings of the then Council. It is a matter of opinion whether or not the speech was "strong and uncompromising".

(*b*) The education cess has been imposed in the districts of Mymensingh, Dacca, Tippera, Pabna, Faridpur, Dinajpur, Rangpur, Bogra, Murshidabad, Noakhali, Nadia and Chittagong. It is being realised in the first three districts while in others collection has been suspended until further orders.

(*c*) The cess is payable by the landlords and is recovered by them from the tenants. But landlords are given an opportunity to collect the cess from their tenants before they have to pay it to Government. This is secured by executive order. When the cess is first imposed tenants have to pay it to landlords from the beginning of the year

but landlords pay to Government from the second quarter of the year. The proportion of cess payable respectively by landlords and tenants is laid down in section 30 of the Primary Education Act.

(*d*) In parts of Bengal, the tenants suffered from flood in the last rains.

The price of jute is high at present and is rising.

(*e*) It can hardly be said that the condition of capitalists including the landed gentry has been disastrously affected by the Bengal Tenancy (Amendment) Act of 1938.

Owing to the operation of the Agricultural Debtors Act tenants have been able to postpone payment of arrears of rent.

It is true that partly owing to the operation of the Agricultural Debtors Act and largely owing to other causes landlords find it difficult to collect their dues and so to pay their revenue and rents.

(*f*) In the case of an estate, the land revenue only is included in the sale notice. Cesses can be recovered out of the purchase money under section 31 of Act XI. The estate cannot be sold for cess arrears.

In tenures in Government estates, cess is recoverable as arrears of land revenue. Note 6 on page 11 of the Sale Law Manual may be referred to in this connection.

As regards *patni* tenures Note 31 (2) (*b*) on page 191 of Sale Law Manual may be referred to. Cess is recoverable as rent.

(*g*) No. To take such a step would simply be a waste of time. I have thought very anxiously over the matter and I find that no other scheme is either practicable or feasible.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why the realisation of the cess has been suspended in the other districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: They were suspended on account of representations having been made due to conditions prevailing in consequence of the flood.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that a largely-signed representation was submitted to the Government from Dacca requesting suspension of realisation of the cess until the situation improved?

The Hon'ble Mr. A. K. FAZLUL HUQ: A representation was made to that effect, but counter-representations were also made that the cess should be imposed, and Government thought that the volume of opinion in favour of imposition was considerably greater than that against its imposition.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that Dacca has suffered from the effects of the floods as much as the other districts in Eastern Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government believe that the people of Dacca want the cess to be imposed.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether an enquiry was made as to whether the conditions prevailing in the district of Dacca are the same as those prevailing in the other districts on account of the floods?

The Hon'ble Mr. A. K. FAZLUL HUQ: People who were affected themselves decided to pay and after this decision Government had no reason to hesitate to impose the cess.

Rai KESHAB CHANDRA BANERJEE BAHADUR: Is it a fact that only a certain portion of the district of Mymensingh has been exempted from the operation of this cess, I mean from the realisation of the cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: A portion of Mymensingh was exempted, but the cess will also be imposed there now

Overbridge at the Kumarkhali railway station.

76. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether there is a long-felt demand of the people of the locality for a foot overbridge at the Kumarkhali railway station on the Eastern Bengal Railway;

(*b*) whether the Traffic Manager, Eastern Bengal Railway, was approached through the District Magistrate, Nadia, by a largely—signed memorial so far back as the 11th January, 1935, for the provision of such an overbridge;

(*c*) whether the necessity and importance of such an overbridge in question was fully admitted by the Traffic Manager and noted by him in the programme of works for the year;

(*d*) the reason or reasons why the construction thereof is being delayed year after year and

(*e*) whether the Hon'ble Minister proposes to take the matter up now with the Railway administration for removing the said want at an early date?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) The Railway authorities have received representations from the public for the construction of a foot overbridge at Kumarkhali station.

(*b*) Yes.

(*c*) No. The work was entered in the programme of works merely for consideration in accordance with the usual procedure.

(*d*) It has been decided by the Railway authorities that the expenditure involved could not be justified in view of the fact that the situation could be met by arranging that goods trains should not be allowed to stand blocking the level-crossing at the time of arrival of passenger trains. Orders have been issued to the station authorities accordingly.

(*e*) No.

Mr. RANAJIT PAL CHOUDHURY: Is the Government of opinion that there is no danger to the public over there without the construction of the overhead bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is a matter entirely for the Railway Authorities to decide.

Metallic road from Chomda.

77. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether he has received a memorial from the people of Gobardanga, Khantura and other villages praying to the Government for metalling the road from Chomda, near Habra thana, in Baraset subdivision in 24-Parganas, branching from the Jessore Road and extending over the river Jumna (by a bridge to be constructed over the river) through Gobardanga, Khantura, Kalanchi over river Icchhamuty, Chanduria, Kayeba-Chandanpore to Kalaroya in district Khulna; and

(*b*) if so, whether it is a fact that this road will shorten the distance to Khulna from Calcutta and will also provide an important feeder road to the Gobardanga railway station (Eastern Bengal Railway), and will also afford the various facilities and reliefs as stated in the memorial by the memorialists?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) Until a survey is made and a scheme worked out in detail, I am not prepared to say whether such a road would afford the various advantages claimed for it by the petitioners.

At present Government are not considering the construction of such a road.

The Bengal Agricultural Debtors Act.

78. Rai KESHAB CHANDRA BANERJEE Bahadur (on behalf of Rai Surendra Narayan Sinha Bahadur): (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to inform the House how many cases have been disposed of under the Bengal Agricultural Debtors Act?

(*b*) What is the total amount of the claims involved in the cases disposed of?

(*c*) What is the amount at which the claims have been settled?

(*d*) How much of the settled claims has already been paid?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) 90,648 up to 30th June, 1938.

(*b*) Rs. 1,90,27,385 up to 30th June, 1938.

(*c*) Rs. 85,22,089 up to 30th June, 1938.

(*d*) I have no information: Debtors are to make payments direct to creditors.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that the debtors have failed to make payment in a large majority of cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have no information so far as this question is concerned.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is is a fact that the unsatisfactory results accruing from the operation of the Debtors' Act were brought to the notice of the Hon'ble Minister during his tours?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the hon'ble member has assumed too much, and I am sorry I cannot agree with him in this assumption of his.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly say in how many cases creditors have applied for execution of decrees?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is no question of execution of decree under the Debtors' Act.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is for realization of the settled amount by certificate procedure; in how many cases creditors have applied?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Allegations against the Registry office.

79. Mr. HUMAYUN KABIR (on behalf of Mr. Shrish Chandra Chakraverti): (*a*) Is it a fact that a letter was addressed on the 3rd January, 1939, to the Hon'ble Minister in charge of the Education Department, containing serious allegations against the Calcutta Registry office, Sub-Registry offices, Head Clerks of Calcutta, 24-Parganas, Midnapore, Bankura and Jessore, from the President of the All-Bengal Registration Employees' Association?

(*b*) If the reply to (*a*) be in the affirmative, will the Hon'ble Minister enlighten the House about the allegations contained in the said letter and will he be pleased to state what action was taken or is intended to be taken in the matter? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: In a letter, dated the 3rd January, 1939, the President of the All-Bengal Registration Employees' Association complained about a circular issued by the Registrar of Assurances, Calcutta. The Inspector-General of Registration was asked to enquire into the complaint. It was found that the circular in question had been issued by the Registrar in error and under a misapprehension. This was pointed out to the Registrar by the Inspector-General of Registration. The action taken by the Inspector-General of Registration was considered sufficient by Government and Government do not consider it necessary to take any further action in the matter.

Salary of the New Ministers.

80. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) what is the amount of salary drawn by the Hon'ble Mr. Shamsuddin Ahmed and the Hon'ble Mr. Tamizuddin Khan respectively, in the months of December and January; and

(*b*) what were the travelling and daily allowances drawn by them during their various tours?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) Rs. 2,000 per month each.

(*b*) A statement is laid on the table.

Statement referred to in the reply to clause (*b*) *of question No. 80, showing the amounts of travelling allowance and daily allowance drawn by the Hon'ble Mr. Shamsuddin Ahmed and the Hon'ble Mr. Tamizuddin Khan.*

THE HON'BLE MR. SHAMSUDDIN AHMED.

	Description of tour.	Railway fare.	Mileage allowance.	Daily allowance.
			Rs.	Rs.
1.	Delhi	Travelled on requisition.	10 actual expenses.	180
		Rs. a.		
2.	Dacca	107 2	..	90
3.	Bogra	75 4	..	45
4.	Sirajganj	Travelled on requisition.	7 actual expenses.	60
5.	Pabna	..	72	15
6.	Kushtia	..	28	15

THE HON'BLE MR. TAMIZUDDIN KHAN.

	Description of tour.	Railway fare.	Mileage allowance.	Daily allowance.
		Rs. a.	Rs.	Rs.
1.	Bogra	75 4	..	45
2.	Madras	364 2	11	110
3.	Faridpur	61 4	18	60

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the salary drawn by the Hon'ble Mr. Tamizuddin Khan for the month of February, 1939?

The Hon'ble Mr. NALINI RANJAN SARKER: Is it covered by the question, Sir?

Mr. PRESIDENT: Here it is given for December and January and you (Mr. Humayun Kabir) want to know for February.

Mr. HUMAYUN KABIR: Because the answers to the question have been given in March. If they had been given in February, we might have given fresh notice, and I submit we can therefore ask what is the amount of salary drawn for the month of February?

Mr. PRESIDENT: Hon'ble Minister may ask for notice. It is a proper supplementary question. He can reply it he likes, or ask for notice.

The Hon'ble Mr. NALINI RANJAN SARKER: Rs. 2,000. But Sir, I feel that it is very difficult to give a reply to a question like this. If a question is asked about what has happened in 1890, though it is asked in 1939, we cannot say what was the condition in 1890. He asked for December and January. If the hon'ble member wants for February he ought to put a separate question for eliciting information.

Srijut Birendra Nath Pal.

81. Mr. HUMAYUN KABIR (on behalf of Mr. Lalit Chandra Das): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Srijut Birendra Nath Pal, son of Srijut Kinkar Chandra Pal, of 1, Radhanath Bose's Lane, Calcutta, externed under the Smuggling of Arms Act of 1934, was prosecuted in court for smuggling of arms? If so, what was the result of that case?

(*b*) Was he acquitted in the case? If so, was executive order of externment passed on him on the same charge against the decision of the trying court?

(*c*) Is it a fact that the father of the said externee repeatedly petitioned the Government to remove the ban of externment on said Biren Babu to enable him to marry and to have the responsibility of maintaining his wife?

(*d*) Is it a fact that the father of the said externee offered to stand surety and also to give more sureties for the externee to keep peace and be of good behaviour or to give such other undertaking as Government may think fit and proper in case Government would withdraw the ban on him?

(*e*) Is it also a fact that in addition to imposing the responsibilities of a married life, the said Birendra Babu's father also undertook to put him in full-time work in his timber business at 258/16, Upper Circular Road?

(f) If the answer to part (a) of the question be in the affirmative, do Government propose to remove the ban on him and restore him to his aged parents? If not, will the Hon'ble Minister be pleased to state the grounds for such refusal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) Does not arise.

(*c*) Six petitions were received, of which 3 were for temporary suspension of the order of externment and 3 for revocation of the order.

(*d*) and (*e*) Yes.

(*f*) Order of externment has been suspended for a period of one year on the 8th February, 1939. The question of revocation of the order will be considered in due course.

Small Tilas of Chittagong.

82. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Revenue Department been drawn to the great hardship caused to the people by the Revisional Settlement decisions at Chittagong of "Small *Tilas*" without any forest produce within the cultivated area and in the *jotes* of the people?

(*b*) Do the Government propose to revise those decisions for giving relief to the tenants of Chittagong? If not, why not?

(*c*) Is it a fact that the report of the Revisional Settlement of Chittagong has not been published and is it a fact that eight years have passed since the settlement was completed?

(*d*) If so, what is the cause of this delay and when are the Government going to publish the above-mentioned report?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) These "*Tilas*" were not assessed as if they were cultivated lands.

(*ii*) As the tenants have taken settlement of these areas along with cultivated and other lands, their exclusion from the respective tenancies is not permissible.

(*b*) Does not arise.

(*c*) and (*d*) The Report has recently been published, the delay in its publication being due to the transfer of the Settlement Officer before the Report could be written and his pre-occupation in other works before he could write it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*a*), is the Hon'ble Minister aware that the rates for these *tilas* were very nominal, if any, at all before the last revisional settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the hon'ble member is supplying the information and not asking for information.

Ranchi European Mental Hospital.

83. Mr. RANAJIT PAL CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether it is a fact that the Government of Bengal contribute for the maintenance of the Ranchi European Mental Hospital; and, if so, will the Hon'ble Minister be pleased to state the amount that the Government of Bengal pay annually for the same?

(*b*) Will the Hon'ble Minister be also pleased to state whether the Government of Bengal pay the said contribution to the Government of India or to the Government of Bihar?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government of Bengal have any hand in the administration of the said Mental Hospital; if not, will the Hon'ble Minister be pleased to take necessary steps for getting some sort of control over the administration of the said hospital?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes; the contribution varies each year, being calculated on the number of patients from Bengal and the number of days spent by the patients in the hospital. The total amount paid in 1937-38 was Rs. 1,85,511.

(*b*) The contribution is paid to the Board of Trustees, Ranchi European Mental Hospital.

(*c*) The administration of the institution is vested in the Board of Trustees, constituted under the Ranchi Mental Hospital Act, 1922, on which the different contributing Governments are represented. This Government have 4 nominees out of 14 members constituting the Board.

Mr. RANAJIT PAL CHOWDHURY: Will the Government of Bengal press the Board of Trustees through their nominees to employ a proportionate number of Bengalees in that hospital?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. The Government is prepared to consider that.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state how many mental hospitals are there at Ranchi? Are there two hospitals, one for the Europeans and the other for Indians?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, there are two hospitals.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*a*), will the Hon'ble Minister be pleased to state how many patients were admitted from Bengal in 1937-38?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (c), will the Hon'ble Minister be pleased to state who are the nominees of the Government of Bengal on the Board of Trustees at the present moment?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Short-Notice Questions.

186. Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) Whether there is any truth in the report that there is a proposal to grant a large sum of money to a particular local Bengali daily;

(*b*) if it is true that there was a proposal to make the grant by name, if so, why the idea was abandoned;

(*c*) what is the name of the said paper;

(*d*) what is the amount of money set apart for it;

(*e*) what services the paper has rendered to Government to merit such reward;

(*f*) what conditions, if any, are attached to the grant of the amount; and

(*g*) whether other papers have been thus subsidised before by the Bengal Government; if so, what are their names and to what extent were they subsidised?

The Hon'ble Mr. NALINI RANJAN SARKAR: (*a*) to (*d*). It is proposed to make a grant of Rs. 30,000 to the "Azad", as will appear from item (5) on page 81 of the Explanatory Memorandum on the Budget of the Government of Bengal for the year 1939-40, a copy of which is placed in the Library.

(*e*) The object of the grant is to further the dissemination of true information regarding Government's activities by enabling the paper to increase its circulation.

(*f*) The grant is unconditional.

(*g*) My information is that no paper has thus been subsidised before.

Mr. NARESH NATH MOOKERJEE: Does the Hon'ble Minister intend to add to this list further daily papers of Bengal?

The Hon'ble Mr. NALINI RANJAN SARKER: Am I to answer, Sir?

Mr. PRESIDENT: It is for you to decide whether you should answer or not.

The Hon'ble Mr. NALINI RANJAN SARKER: If you consider it relevant, I can answer.

Mr. PRESIDENT: The hon'ble member wants to know whether further papers are going to be added to this list.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, if necessary.

Mr. RANJIT PAL CHOUDHURY: Arising out of answer (*e*), does the Hon'ble Minister insinuate that the other papers do not give a true account of the Government activities?

The Hon'ble Mr. NALINI RANJAN SARKER: Absolutely not. I do not insinuate, I state.

Mr. HUMAYUN KABIR: Does the Hon'ble Minister suggest that Government stand behind every statement made in the "Azad"?

The Hon'ble Mr. NALINI RANJAN SARKER: It is a statement of fact, and the news supplied by Government are always published.

Mr. HUMAYUN KABIR: Are we to understand that the news supplied by Government are not published by other papers?

The Hon'ble Mr. NALINI RANJAN SARKER: Not always.

Mr. NARESH NATH MOOKERJEE: Does not the Government consider its own paper the "Bengal Weekly" sufficient to disseminate its information?

The Hon'ble Mr. NALINI RANJAN SARKER: One paper is not enough against 8 Congress papers.

187. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) whether a Surgeon is always appointed to the Governor of Bengal by appointment?

(*b*) If so, will he be pleased to state who was the Surgeon appointed to the late Governor?

(*c*) Will the Hon'ble Minister be pleased to state whether the Surgeon appointed by appointment was consulted before the operation on the late Lord Brabourne was performed? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) There is a post of Surgeon to the Governor of Bengal the appointment to which is made on the personal selection of His Excellency.

(*b*) Captain P. I. Franks, I.M.S., was appointed by His Excellency the late Lord Brabourne to the post above mentioned.

(*c*) This relates to a matter regarding which I have neither official knowledge nor responsibility and I am not therefore in a position to answer it.

I have, however, been asked by the Lady Brabourne to take this opportunity of making public the following facts:—

(1) His Excellency the late Lord Brabourne had considered it a matter of public duty to subject himself to thorough medical examination including that of expert Radiologists in London before undertaking the Governorship of Bombay and again in Bombay before undertaking the Governorship of Bengal in order to satisfy himself as to his complete physical fitness for these duties. He was further examined most thoroughly by expert Radiologists in Calcutta during the course of last month. None of these X-rays disclosed any sign of the real state of affairs, although the last one did disclose a condition requiring an early operation but not giving grounds for grave apprehension. The operation was actually undertaken to deal with this condition.

(2) Additional and very extensive trouble was discovered by the operation, but it would have been prejudicial to the health and happiness of the late Lord Brabourne and to his prospects of progress after the operation to disclose then the discovery of a growth.

(3) The Lady Brabourne and all most closely concerned have the highest appreciation of the skill and devotion of the surgical and medical advisers who attended him, and in fact the surgical procedure had proved successful by February 22nd, but his heart was not equal to the shock that the very serious operation entailed.

188. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) Whether a Physician is always appointed to the Governor by appointment? If so, who was the Physician appointed by appointment to the late Lord Brabourne when he was the Governor of Bengal?

(*b*) Will he be pleased to state whether the said Physician was consulted before the operation on the late Lord Brabourne was performed? If not, why not?

(*c*) If no Physician was so appointed, will he be pleased to state whether there is a rule or a convention by which the First Physician of the province is consulted? If so, who is the First Physician at present and was he consulted? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The hon'ble member is referred to the answer to his question Nos. 187 (*a*) and (*b*). There is no separate post designated as Physician to the Governor.

(*b*) and (*c*) The hon'ble member is referred to my answer to his question No. 187 (*c*).

189. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether there is a rule or a convention that whenever any operation is performed on a Governor, the Physician and Surgeon appointed by appointment are always consulted? If so, will he be pleased to state whether both of them were consulted when the operation was performed on the late Lord Brabourne?

The Hon'ble Mr. TAMIZUDDIN KHAN: The hon'ble member is referred to my answer to his question No. 187 (*c*).

190. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) Whether his attention has been drawn to the bulletins issued by the Surgeon-in-charge of the operation performed on the late Lord Brabourne from time to time and, if so, will

he be pleased to state whether his attention has been drawn to the last bulletin in which a mention has been made about the cancerous growth. If so, will he be pleased to state why the mention of the cancerous growth was not made in the first bulletin after the operation was performed?

(*b*) Will the Hon'ble Minister be pleased to state when and how the diagnosis of the cancerous growth was arrived at by Surgeon in charge?

(*c*) Will he be pleased to state the date and time of the decision arrived at for performing the operation and the date and time when the operation was actually performed on the late Lord Brabourne?

(*d*) Will he be pleased to state who were the Surgeons and Physicians on whose decision the surgical interference was decided upon?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) to (*d*). The hon'ble member is referred to my answer to his question No. 187 (*c*).

Adjournment Motion.

Mr. PRESIDENT: Order, order. I have received a notice from Mr. Lalit Chandra Das asking leave of the House to move a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance, viz.:—

"This Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the situation which has arisen out of the Hon'ble Chief Minister Mr. A. K. Fazlul Huq's letter to Chowdhury Shamsuddin Ahmed, which has been published to-day, in which the Chief Minister Mr. Fazlul Huq charges most of the Hindu Officers of Government with disloyalty bewailing his lot that he did not know how to manage the administration of the province with officers so opposed to him and his administration; alleging further that they were encouraging people belonging to the Congress or to the Opposition."

Notice of this motion was received in the office at 10 p.m. on Saturday, the 4th March, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Have you allowed this motion, Sir?

Mr. PRESIDENT: It is not for the Chair but for the House to permit the hon'ble member to move his motion. I hold that the motion is in order. I am now to enquire whether the hon'ble member has the leave of the Council.

The Hon'ble Mr. NALINI RANJAN SARKER: Before that is done, may I make a statement?

Mr. PRESIDENT: Order, order. A statement may be made only when the motion has been moved.

The Hon'ble Mr. NALINI RANJAN SARKER: If you will not kindly permit me to make a statement, Sir, then I object to the motion being moved.

Mr. PRESIDENT: As far as the Chair is concerned, it has held the motion to be in order. The matter is definite. It is also of urgent public importance, and notice of the motion was given at the earliest available opportunity. It will now be for the House to decide whether the hon'ble member has the leave of the Council. (Cries of "we object, Sir," "we object, Sir".) As objection has been taken, the Chair requests those members who support the motion to rise in their places.

(Hon'ble members who supported the motion rose in their places and a count was taken.)

Mr. PRESIDENT: As less than 13 members have risen, I have to inform the hon'ble member that he has not the leave of the Council.

Point of Privilege.

Dr. RADHA KUMUD MOOKERJI: May I be allowed to make a statement on a point affecting the privileges of my party?

Mr. PRESIDENT: Certainly, if it relates to a question of privilege.

Dr. RADHA KUMUD MOOKERJI: Sir, my party feels deeply aggrieved at the manner in which a very modest proposal which involves showing some consideration for a great event which has happened elsewhere——

The Hon'ble Khwaja Sir NAZIMUDDIN: Is that a matter of privilege, Sir?

Mr. PRESIDENT: Before he makes his statement, we are not in a position to say whether it is a point of privilege or not. What is your point, Dr. Mookerji?

Dr. RADHA KUMUD MOOKERJI: Sir, the point is this: that my party feels deeply aggrieved at the very scant courtesy shown to a proposal which is of a very modest character, namely, that the House should adjourn to-day out of consideration for a great event happening elsewhere. Since we have found that the House has taken a diametrically opposite view——

The Hon'ble Khwaja Sir NAZIMUDDIN: I definitely rise on a point of order, Sir——

Mr. PRESIDENT: Let him finish. So far as I have heard him up to now, it does not seem that it involves any point of privilege.

Dr. RADHA KUMUD MOOKERJI: Sir, I have not yet finished my statement and request that I may be permitted to do so.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, he is making a speech and not a statement.

Mr. PRESIDENT: Order, order. The Chair must be vigilant so as to ensure that the rights of minorities may not suffer.

I am anxious to hear his point of privilege, but I am not convinced so far that any point of privilege has been made out. What is your point, Dr. Mookerji?

Dr. RADHA KUMUD MOOKERJI: My point is this: My party feels deeply aggrieved at the attitude taken up by our colleagues and we have no other course left but to walk out of the Chamber so as not to take any further part in the proceedings of to-day. With due respect to the Chair, Sir, I make this statement.

[Dr. Radha Kumud Mookerji then walked out of the Council Chamber followed by members of his party.]

Khan Bhadur NAZIRUDDIN AHMED: Sir, may I rise on a point of order? There are no privileges attaching to one party or other in this House——

Mr. PRESIDENT: Well, every individual or party has a right to abstain from participating in the proceedings of the House, at any time, if he or they so decide and that does not involve any breach of the privilege of the House.

The House will now take up further discussion on the motion moved by the Hon'ble Sir Bijoy Prasad Singh Roy for the consideration of the Bengal Tenancy (Second Amendment) Bill, 1938, since where we stopped on the last day.

OFFICIAL BUSINESS.

Bengal Tenancy (Second Amendment) Bill, 1938.

The question before the House is that the Bengal Tenancy (Second Amendment) Bill, 1938, be taken into consideration.

The question was agreed to.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

The question was agreed to.

Clause 2.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, in view of the fact that it will delay the passing of the Bill, I do not propose to move the amendment of which I have given notice.

Mr. NUR AHMED: I beg to move that in clause 2 of the Bill, for the words "twelve and a half", the words "six and a quarter" be substituted.

Sir, this is a very simple amendment proposed by me in order to give greater relief to the tenants and *raiyats* under this Act. Sir, a statement has been made in this House that it is practicaly a consequential amendment arising out of the first Bengal Tenancy (Amendment) Act passed sometime ago, and that it is now proposed to amend only sections 67 and 68 of that Act. An alternative is given to the landlords that while suing for arrears of rent, they can claim either interest or damage. As the hon'ble members know, interest has been reduced to 6¼ per cent. by the first amendment of the Bengal Tenancy Act, but now the present proposal before the House is to reduce the rate of damage also, although not to the same extent as in the case of interest. From practical experience it may be gathered that in 99 cases out of 100, damage is claimed for arrears of rent only and not interest, and if it is the real intention of the Government to benefit the *raiyats* and tenants by reduction in the rate of interest, it will be more befitting if the rate of damage also is reduced. Secondly, there is another point. Subject to correction, I find that if for the arrear of the first year, damage is claimed at the proposed rate, when the landlord will get a larger amount than if he claimed interest. So, there

would be two different systems for calculating interest and also damage. And for that reason also this amendment is necessary. So, I appeal to the House to accept my amendment.

Mr. PRESIDENT: Amendment moved that in clause 2 of the Bill, for the words "twelve and a half" the words "six and a quarter" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. It was difficult for me to follow what was the argument of the hon'ble member in moving his amendment. There is a difference between damage and the ordinary rate of interest. If the ordinary rate of interest is charged or awarded, damage cannot be awarded. That is quite clear from the section itself. The section provides that interest shall not be decreed when damages are awarded. I, therefore, feel that there is no substance in the last portion of the hon'ble members' argument. The rate of interest has been brought down from 12½ per cent. to 6½ per cent. Correspondingly, the rate of damages is now proposed to be brought down from 25 per cent. to 12½ per cent. so there is consistency, and I see no justification for reducing it to 6¼ per cent. In that case an award of damage would become useless. Damages can only be claimed "if in a suit brought for the recovery of rent it appears to the court that the defendant without reasonable or probable cause neglected or refused to pay the amount of rent due by him, the court may award to the plaintiff in addition to the amount decreed for rent and costs such damage not exceeding 25 per cent. etc., etc." That is the law, Sir. So, it is the absolute discretion of the court to decide what is the amount of damage that it should award, and it is only awarded under particular circumstances, namely, where the tenant has neglected to pay the rent, otherwise not. So, the landlord cannot claim damage as of right. On these grounds, Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill for the words "twelve and a half" the words "six and a quarter" be substituted.

The amendment was negatived.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: I beg to move that in clause 2 of the Bill, for the words "twelve and a half" the words "three and one-eighth for one year's arrear, six and one-fourth for two years' arrear, nine and three-eighths for three years' arrear, and twelve and half for four years' arrear" be substituted.

আমার প্রস্তাব হচ্ছে যে যাঁরা নাকি এক বৎসরের খাজনা বাকি রাখবে, তারা ৩৵ ক্ষতিপূরণ দেবে। দুই বৎসরের খাজনা যারা বাকি রাখবে তারা দেবে ৬৷৹ আনা। তিন বৎসরের যারা

বাকি রাখবে তারা দেবে ৯।৶ আর যারা একসঙ্গে চার বৎসরের বাকি রাখবে তারা ১২৷৷৹ টাকা দিবে। এই যে হিসাবটা করা হয়েছে—এতে time এর উপর জোর দেওয়া হয়েছে। অর্থাৎ যত সময় বেশী হবে তার উপর টাকার হিসাব হবে। কিন্তু মূল প্রস্তাবে এক বৎসরে বাকির উপরও যা, ২।৩।৪ বৎসরের উপরও সেই ১২৷৷৹ টাকা হিসাবে ডিক্রি হবে—সময়ের উপর কোনই জোর দেওয়া হয় নাই। আমার দ্বিতীয় কথা এই যে—এই রকম যদি একটা হিসাব থাকে তাহলে লোকের খাজনা দেবার একটা গরজ থাকে। Select কমিটিতে ও এসম্বন্ধে একটা আলোচনা হয়েছিলো যে সহজে খাজনা আদায় হবার একটা ব্যবস্থা থাকা উচিত। Damage এর ভয়ে অনেকেই খাজনা সময়মত দেবে। তারপর আমার তৃতীয় প্রস্তাব হচ্ছে এই যে যদি আমরা এক বছর থেকে ৪ বছর পর্য্যন্ত ক্ষতিপূরণের একই rate করি তাহলে আর একটা দোষ হয়, এই সমস্ত খাজনার মোকর্দ্দমায় আমাদের মুন্সেফ বাবুদের উপরই সম্পূর্ণ নির্ভর করিতে হয়—মুন্সেফ বাবুদের কোন প্রতিযোগীতার সম্মুখীন হতে হয় না, তাঁরা nomination দ্বারা নিযুক্ত হন। কিন্তু এই nomination করে কারা? সব বড় বড় লোকদের——(Hon'ble the PRESIDENT: order, order.) আচ্ছা আমি সেকথা ছেড়ে দিচ্ছি। আমার কথা হচ্ছে, এক বৎসর বাকি রাখলে ও যা ক্ষতিপূরণ হবে ৩ বছর বাকি রাখলেও যদি সেই রেটেই যদি ক্ষতেপূরণ হয়—তাহ'লে গরীব প্রজাদের ওপর অবিচার করা হয়। আমি যে তিনটি point এর উপর বল্লাম, এর দ্বারা আমার মনে হয় আমার প্রস্তাব সমর্থিত হবে। এবং আমি আশা করি, আমাদের রাজস্ব সচীব মহাশয় এটা গ্রহণ কোরবেন। হাউস কে আমি অনুরোধ করি যে আমার এই প্রস্তাব যেন সকলে গ্রহণ করেন।*

Mr. PRESIDENT: Motion moved that in clause 2 of the Bill, for the words "twelve and a half" the words "three and one-eighth for one year's arrear, six and one-fourth for two years' arrear, nine and three-eighths for three years' arrear and twelve and half for four years' arrear" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I am in sympathy with the spirit of the amendment, but I find that there are some difficulties with regard to the language used in it. The language used is capable of different interpretations and misinterpretations also. The point is that for one year's rent certain rate of damages will be given, and for two years' certain other rate will be given, and so on. In my opinion, the language should be first of all "not exceeding one year", "not exceeding two years" and so on. Otherwise, the difficulty would be that if a man sues for, say, 6 months' arrears, or for any broken period, the proviso will not cover it. So, a more comprehensive phraseology should be used.

Then, there is the other difficulty that if a tenant pays up his recent arrears and leaves out unpaid his old arrears, that is, if a tenant has to pay rents for the years 1342, 1343, 1344 and 1345 B.S., he has the right to pay for 1343, 1344 and 1345 leaving the oldest arrear for 1342 unpaid. He has the right to send a money order, and the landlord is bound to receive it and appropriate it for the year for which the tenant desires to pay. In these circumstances, the difficulty would be that if an arrear remains for the earliest year, according to the amendment, the damages would be 2 pice in the rupee for the gross

*An authorised English translation of this Bengali extract will be found in the Appendix.

sum, but according to the Act the interest would be one anna in the rupee per year. That is to say, calculated exactly for four years it would come to 1 anna and 10½ pies at the ordinary rate of interest for one year's arrear only. Thus, in this extreme case, while the penal damages would be only six pies in the rupee, the interest would be almost four times the rate. So, in these circumstances, it will lead to plenty of anomalies. I would have suggested a different phraseology for the amendment, but there are other practical difficulties, and they are these. If we now introduce a short-notice amendment, possibly it will be objected to on the ground of introducing something radically new without enough notice; and if we introduce anything new in this House, the Bill will have to go back to the other House, and that would cause delay. In the meantime, some provisions are to be made well in advance of the first of *Baishak*, because the *limitation plaints*, as they are called, are going to be instituted on the 1st or 2nd of *Baishak*. But this year, on account of the vagaries of the Almanac, in order to include the claim for 1342 B.S., the suits will have to be instituted on or before the 30th *Chaitra* next. So, the law should be passed well before that date. There is hardly any time for a sweeping amendment of this character to be passed and assented to by the Governor. I should suggest that if the hon'ble the mover withdraws the amendment for the time being and brings in a fresh Bill to introduce more comprehensive drafting which would cover all possible cases—ordinary as well as extraordinary—then it may be considered by the House. In the mean time, on account of shortness of time, on account of the suddenness of the difficulties that have appeared, and on account of personal difficulties as I was not present at the time when the Bill was circulated, I could not submit a full draft which will cover all possible cases. It is not easy to draft a comprehensive formula on a difficult matter like this on the floor of the House. I believe that if a draft is to be submitted at this stage, it will be in the form of a big and cumbrous-looking schedule which would be objected to on the very ground of length and complexity. In these circumstances, I would suggest that in view of the difficulties arising, the amendment may be withdrawn.

Mr. HUMAYUN KABIR: Sir, I beg to support the amendment moved by Khan Bahadur Mohammad Ibrahim and I think the arguments just now advanced by Khan Bahadur Naziruddin Ahmad, if we take them seriously, make this House a mere farce. Because he suggests that if we make any amendments, the Bill has to go back to the Lower House; if it is to go back to the Lower House then more time will be involved, and it will take more time to pass this legislation, and on that account this House should not interfere in any way, and should not make any amendments whatsoever to any Bill which is passed in the Lower House; in other words, this House ceases to have that sole function for which it is meant, namely, to act as a revising

chamber, to act as a chamber where alterations in the general interests are made. Therefore, that argument advanced by Khan Bahadur Naziruddin Ahmad is not probably one worth consideration. Then with regard to the other point made by him that it may lead to an anomalous position where people may pay the arrears of the later years and leave unpaid the earlier arrears, it is also I think due to misunderstanding, because damages would be paid through Courts. Landlord has no right to go and say that he demands so much damages. As the proviso in the clause later on makes it clear, if the Court is to award damages, then in that case the Court would see to it that earlier arrears are paid before the later arrears are touched. Therefore the point made by him that the tenants would take advantage of this proposed amendment and in this way try to defeat the ends of justice is not also valid. I agree with him in so far as he says that the amendment is a proper amendment and that he agrees with the spirit of the amendment, but his only objection is that it is not sufficiently technically formulated. We all know his predilections for technicalities, and I am sure that this House with its past experience of his many amendments, will again expect another technicality which he might spring upon it.

With these words, Sir, I support the amendment moved by Khan Bahadur Mohammed Ibrahim. As an amendment, it is essentially reasonable as admitted by the hon'ble member who just now sat down, and it will also be generally accepted by other members of this House for it makes a distinction between those who are habitual defaulters and those who are not habitual in their default, but only occasionally make a default. If a person cannot pay his rent for one year only, he is expected to pay under this amendment a damage at the rate of 3¾ per cent. and for longer arrears the rate is higher. So I think this amendment should be accepted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, first of all, I would oppose this amendment for the simple reason that it is incongruous with sub-clause (*1*) of the proviso. The sub-clause of the proviso runs thus:—

> "The amount of such damages shall not be less than the interest accruing up to the date of the institution of the suit."

So long that sub-clause remains, I do not think this amendment can be moved. It renders the whole section meaningless. So, apart from the merits or demerits of this amendment, I beg to submit, Sir, that this amendment is absolutely incongruous with the provisions of the other section. So I oppose this amendment.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, for the words "twelve and half", the words "three and

one-eighth for one year's arrear, six and one-fourth for two years' arrear, nine and three-eighths for three years' arrear, and twelve and half for four years' arrear", be substituted.

(The motion was negatived.)

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, Sir, I beg to move that at the end of clause 2 of the Bill, the following be added, namely:—

"and at the end of sub-section (2) of the said section, the following proviso shall be added, namely:—

'Provided that if the Court is satisfied that the defendant has intentionally neglected or refused to pay the amount of rent due by him or that he is a habitual defaulter, it shall award to the plaintiff, in addition to the amount decreed for rent and cost, both interest and damages at the prescribed rate.' "

Sir, the other day the Hon'ble Revenue Minister said that it was his misfortune to have disagreed with me throughout the passage of the First Bengal Tenancy (Amendment) Bill. I do not know whether it was his misfortune or mine. I think it brought fortune to him. Anyway, he won and I lost all the battles. As for contentment, it might have been mine. I really did not try to serve the purpose of the landholders alone, but also of the tenants and the sole object at the back of my mind was to contribute towards the healthy growth of the land system as a whole. However that may be, I think that everyone, more or less, will agree that the landholders should be able to realize their legitimate dues and that speedily. When the First Bengal Tenancy (Amendment) Bill was on the anvil, those who supported it as well as those who opposed it, did agree that so far as legitimate rent is concerned, the landholders should be given every facility to collect it and that as speedily as possible. But, Sir, it is known to everybody that in fact nothing of the kind was done. On the other hand, the landholders have been deprived of their means of speedy recovery of legitimate and undisputed dues by suspension of the certificate procedure. The result is that heavy arrears are accumulating and the burden will soon be too heavy for liquidation in future. Condition now is almost chaotic. It is, therefore, imperative that the arm of law should be stretched to reach the habitual defaulters and such tenants as wilfully neglect to pay their dues. Such a step will train the tenants to habits of punctual payment and help them to gradually realise that their credit may be rehabilitated if they pay their dues punctually.

The clause in question gives the Court discretionary power to award to the plaintiff either interest and cost or damages. I really

could not follow the logic of the Hon'ble Revenue Minister and those of his mind when they said that since the rate of interest has been reduced, the rate of damages must also be reduced. They went so far as to say that their amendment is "consequential." Why? I do not agree with them for the simple reason that interest and damages are altogether two different items. I believe that when discretionary power was given to the Court, it was meant that in cases where the Court would be satisfied that defaulters wilfully neglected to pay their dues, he should award damages, whereas agriculturists who have every desire to pay their dues, but who through poverty or other adverse circumstances and acts of God or freaks of nature over which they had no control were unable to pay, the Court should award only interest and cost. Naturally, the rate of damages should be higher than that of interest. So, the rate of damages which are to be awarded in exceptional cases may continue to be high or even made higher, although the rate of interest may be lowered to give relief to honest tillers of the soil. Why the rate of damages must always be double of that of the interest? What will happen if the interest is reduced to 6½ per cent., but the damage is left where it was, namely, 25 per cent.? One is a case of compassion, the other is certainly not. Why should it be consequential? I do not see any reason why it should be. Because the interest has been reduced, the damages must also be reduced is an argument the cogency of which I am not able to appreciate. It is a different thing if the Hon'ble Minister means it to be a mere eyewash. Perhaps he tried to make capital out of that argument when somebody advanced it from his side of the House. "The amendment is merely consequential", cried somebody from his party and he took up that cry. It might have served his purpose for the time being, but I ask him in all seriousness to say whether he really considers it to be a consequential amendment? Let him also say whether any harm can be done to an honest agriculturist, who has every mind to pay his dues, who does not want to deprive his landlord of his legitimate dues, who recognizes his obligations and wants to fulfil his obligations, is going to be hurt if the original section is not altered? Will he be hurt even if my proviso is accepted? Is it or is it not a fact that only the habitual defaulters, only those who wilfully neglect to pay their dues are intended to be dealt with? So I think the Hon'ble Minister, who often told me, inside the House and outside the House, that something should be done to enable the landlords to realize their dues speedily, would try to see his way to accept this amendment, so that those who are habitual defaulters might think twice before they wilfully neglect to pay their dues. Let them realise that if they do so, and if that is proved to the satisfaction of the Court, damages will be awarded to the plaintiff, above and over the decreed interest and cost. I am sure, that will have a deterrent effect. I think I have been able to make my point clear. If the

Hon'ble Minister is true to his profession that something ought to be done to enable the landlords to realise their rents speedily, if he is really convinced that arrears are accumulating to an alarming extent, that rural credit is in a precarious condition, and that it is essential that it should be rehabilitated for economic developments in the rural areas, I hope he will see his way to accept this simple amendment.

Mr. PRESIDENT: Amendment moved, that at the end of clause 2 of the Bill, the following be added, namely:—

"and at the end of sub-section (2) of the said section, the following proviso shall be added, namely:—

'Provided that if the Court is satisfied that the defendant has intentionally neglected or refused to pay the amount of rent due by him, or that he is a habitual defaulter it shall award to the plaintiff, in addition to the amount decreed for rent and cost, both interest and damages at the prescribed rate.' "

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to oppose this amendment. The effect of this amendment would be that a tenant who is poor, that is unable to pay, and who therefore fails to pay, he is to pay interest as well as damages, but a man who is able to pay but does not pay, that is whose fault is greater, he will have to pay interest only. Poverty and innocence will be penalised while affluence and perversity will receive better treatment. The wording of the amendment is "a man who intentionally neglects to pay". The section as it stands in clause 1, provides for a man who fails to pay on account of some legal and sufficient reason, that is, one who is not able to pay and at the same time cannot pay. The effect of the amendment would be that it would be a retaliatory measure against the tenants, which would be inconsistent with clause 1, and will lead to litigation between the tenants and the landlords; in these circumstances, I beg to oppose the amendment.

Mr. KADER BAKSH: Sir, it has been my mistortune always to oppose amendments moved by the Maharaja of Santosh with regard to the Bengal Tenancy (Amendment) Act. The language of the amendment is very vague and also gives rise to some misgivings in our minds, as will appear from the following: ".....has intentionally neglected or refused to pay". Sir, who is to decide a person's intention to neglect to pay? The tenants will have to depend on the whims and caprices of the munsits who, more often than not, decide these matters, as pointed out by my friend Khan Bahadur Maulvi Md. Ibrahim, from the rich man's point of view. It appears to me like a penal clause. Intention, Sir, is an important factor to be taken into consideration in

criminal cases, but not in civil cases. Civil law deals with facts and facts alone and it has nothing to do with intention. Intention has to be inferred from circumstances, and this gives enough latitude to personal inclinations or bias, if any, in the minds of the judges, to come into play.

Now, Sir, according to the provision of Maharaja Saheb's amendment, the tenants would be subjected to the payment of a double tax, which would be tantamount to a man being hanged twice for having committed one murder only.

Sir, why should a tenant who has been compelled by sheer want of resources to default be liable to pay both the damage as well as the interest? The Maharaja of Santosh having failed to get his object fulfilled by embodying a clause for the speedy realisation of rent in the first Bengal Tenancy (Amendment) Act, has now hit upon the idea of inflicting this double measure of punishment, to be meted out to the tenants. Sir, it is not only unscientific and unreasonable, but it is also at the same time oppressive and illogical, as my friend says. On these grounds, I oppose the amendment moved by the Maharaja of Santosh.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I also rise to oppose this motion. Sir, the word "damage" itself signifies that it is some sort of penalty and the rate of damage has been fixed at more than the rate of interest and that has been done with the object of penalising the defaulter. When damage will be given by the courts no interest will be given, because damage will practically be double the interest. So, we think that the defaulters will get sufficient punishment and sufficiently deterrent punishment from the high rate at which the damage has been fixed. But, Sir, to further say that he should also pay interest will mean great hardship to the defaulter, knowing as we do as a matter of fact that 70 or 80 per cent. of the agriculturists have got uneconomic holdings which do not give them sufficient produce for living upon. So, I think that it will be absurd to put down an amendment that they should pay damage as well as interest, in every cases of intentional default. As regards intentional default, I believe that there are very few tenants who default intentionally. It is only the refractory tenants in some places who intentionally default, but ordinarily, it is owing to economic causes that the tenants are unable to pay the rent that has been fixed and it is for this reason that they generally default. In 99 per cent. of cases, the courts allow damage. Even in *ex parte* cases the courts allow damages, as a matter of fact. So, practically in 99 per cent. of cases, Zemindars will get interest at 12½ per cent. in the shape of damage; over and above that, to charge interest would be too harsh. We are out to moderate and soften the incidence of Tenancy in Bengal. We have reduced the rate of interest and we want to reduce also the rate of damage, and it is quite illogical for the Maharaja to say that this Bill

is not a consequential one. It is only logical that when we have been moderate in the matter of interest, we ought also to be moderate in the matter of damage. With these words, Sir, I oppose the amendment.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise to support the amendment moved by my friend, the Maharaja of Santosh. The principle has already been accepted by my friend Mr. Humayun Kabir just now. He said that there should be a difference between habitual defaulter and one who could not pay on account of unforeseen circumstances, or peculiar circumstances, and so forth. As regards the principle, I think whatever might be said by hon'ble members on the other side, there should be a differential treatment between the habitual defaulter and one who cannot pay his rent in the usual course of business owing to unforeseen circumstances. My friend Mr. Kader Baksh said that the Maharaja Bahadur failing to introduce a speedy realisation clause in the first Bengal Tenancy (Amendment) Act, has moved this amendment as a means to have his idea adopted, but I am sorry to say that his memory has failed him. The speedy realisation clause had been introduced by Government themselves, and the Government themselves withdrew it. It has nothing to do with the Maharaja Bahadur or with other members of his party. So, I am sorry to say that he is not right in saying so. Moreover, there will not be any injustice done to the tenants if both the interest and the penalty be imposed on the habitual defaulters. Mr. Kader Baksh also said that the amendment is "suspicious as well as vague", because we cannot define a habitual defaulter, but, Sir, it can be done very easily. If the court asks the plaintiff to produce his previous decrees and the court can be satisfied as to whether in all the decrees of the previous years, the landlord has had recourse to the court for the realisation of rent, even by that document alone the court can be satisfied whether one is habitual defaulter or not. It is left to the discretion of the court to find if a tenant is a habitual defaulter. If the court thinks that a particular tenant is a habitual defaulter, that he never pays his legal dues in or at any time and has not habitually paid his rent in time, there cannot be any objection to have this clause to impose both a penalty and an interest. The rate of damage has been reduced, and after all if both interest and damage is imposed, it will come to about 22 per cent. which is the existing rate at the present moment. Moreover, my friend Khan Bahadur Saiyed Muazzamuddin Hosain has said that the tenants generally cannot pay their rent owing to scarcity or owing to economic circumstances. But I can say that there are few instances where they cannot pay. If the holding of a tenant is an uneconomic one, he can surrender that or make some arrangements with the landlord, but I cannot believe that if for years and years together a tenant does not pay any rent, it is for the reason that either his holding is an uneconomic one or that his circumstances are

such that he could not pay. On the other hand, when a tenant has been found to pay his decrees it must be presumed he was in a position to pay his rent. In these circumstances, I think the Maharaja is correct in moving such an amendment, and I strongly support it.

Khan Bahadur Maulvi MD. IBRAHIM:

মহারাজা বাহাদুরের প্রস্তাবের বিরুদ্ধতা করার জন্য দু একটা কথা আমাকে বোলতে হবে। মহারাজা বাহাদুরের প্রস্তাব অনুসারে—যারা খাজনা দেবেনা তাদের সুদ এবং পেনালটী দুইই দিতে হবে। তিনি একটা point এই বোলেছেন যে যারা ইচ্ছাপূর্ব্বক দিবে না, তাদেরি উক্তরূপে দিতে হবে। এ বিষয়ে আমার বক্তব্য এই যে বাংলা দেশের শত করা ৮০ জন প্রজাই অভাবগ্রস্ত। এই অভাবগ্রস্ত লোকদের উপর যদি দুরকম শাস্তির চাপ দেওয়া হয়, অর্থাৎ যারা খাজনা দেয় না তাদের সুদ ও পেনাল্টি দু রকমই দিতে বাধ্য করা হয়, এর চেয়ে কঠিন প্রথা আর কিছুই হতে পারে না। আর কারা ইচ্ছাপূর্ব্বক দিচ্ছে না, এবং কারাই বা ইচ্ছাপূর্ব্বক দিচ্ছে, এটা ঠিক করাও খুব কঠিন ব্যাপার। এই দোষের জন্যও এ প্রস্তাব টিকতে পারে না। তাছাড়া, দয়াদাক্ষিণ্য একটা মহাগুণ, যাহা রাজা মহারাজাদের আছে—প্রজাদের সন্তানের মতন পালন কোরতে হবে—তারও কোন চিহ্ন এর ভিতর নাই। সেইজন্যই আমার বিবেচনায় এই প্রস্তাব উঠিয়ে নেওয়াই ভালো। এবং হাউসের নিকট অনুরোধ তাঁরা যেন এই প্রস্তাব সমর্থন না করেন।*

Mr. HUMAYUN KABIR: Sir, I feel constrained to make a few remarks about this amendment on account of the reference which the Raja Bahadur of Nashipur was pleased to make about me. It is quite true that a distinction must be made between a habitual defaulter and an intentional defaulter and those who default on account of circumstances over which they have no control. But the difficulties in Bengal, as pointed out by Khan Bahadur Maulvi Md. Ibrahim, are that most of the tenants fall in the class of those who have to default because they must. Also, in most cases the holdings in Bengal are uneconomic, and generally it is recognised that the average income of a cultivator is barely Rs. 65 a year. The Raja Bahadur was also pleased to suggest that in such a case the tenants ought to surrender their holdings. Sir, that is much easier said than done, because if we take a really impartial view of the economic life of Bengal to-day, we will find that their livelihood is so precarious and uncomfortably balanced that he lives just on the border of starvation with a sort of half ration, and goes on in this way, from year to year till ultimately he comes to a premature death. Our contention is that rent wherever it is to be paid, the State or the landlords has the right to demand rent only out of the excess after the tenant or the actual cultivator has had enough to maintain himself and his family. Now, if we take the term "intentional", difficulties will arise, because in many cases the produce of the land may be just sufficient to pay the rent, but in that case it will not leave sufficient margin for the maintenance of his family. Alternatively, if he uses the produce for the maintenance of his family he cannot pay the rent.

*An authorised English translation of this Bengali extract will be found in the Appendix.

In such cases will he be intentionally and wilfully defaulting or not? Of course, under the law, rent is first charge, but we contend that it is iniquitous, and the process of change has only begun in the Bengal Tenancy (Amendment) Bill which has become an Act recently. It is only a first, not even the first step, only a faltering half step towards the direction towards which we want to go. The principle must be recognized that it is uneconomic to levy rent if one exceeds his just income. Just as in the case of income-tax, on income-tax is levied for any income below Rs. 2,000, similarly some such standard must be fixed and we must establish the principle that people who earn less than that from agriculture shall not be expected to pay any rent. Therefore, the definition of the terms "intentional" or "wilful" will bring in consideration of all sorts of difficult questions. Besides, the law as it stands, as has been proposed by the Revenue Minister, is sufficiently deterrent, because the ordinary rate of interest is 6¼ per cent. and those who have to pay damages will have to pay at the rate of 12½ per cent., that is, a difference of 6¼ per cent And for persons who live so dangerously and so precariously as the cultivators in Bengal do, whose margin of livelihood is so narrow, for them 6¼ per cent. is sufficiently deterrent and there should be no move to increase that burden further upon them. Of course, if the burden is increased further, it may lead to the creation of a landless agricultural class, leading to the creation of a landless proletariat, and the consequences of that may be such which the landlords will not like.

Khan Bahadur ATAUR RAHMAN: Sir, the discussion of this amendment seems to have given rise to a tempest in a tea pot. Of course, I fully appreciate the anxiety of the zemindars regarding the realization of rent. But this case which we are discussing now is practically a consequential amendment. In the last amendment the Government possibly overlooked the sections in question. In section 67, the rate of interest has been reduced from 12½ per cent. to 6¼ per cent. Naturally, this section requires some alteration from 25 per cent. to 12½ per cent. So there is nothing much to talk about. If really the zemindars have some grievance, and possibly they have, it is not through the backdoor like this that they should come. It might be possibly better to bring in an amendment or just what we did in the previous amendment which has been dropped, but it is better to come with a similar amendment for easier method of realization. As has been already said by other speakers, the economic condition of the tenants is very bad. Really speaking, one who knows the present condition, particularly of the agriculturists, will agree that most of the tenants really cannot pay; it is not that they do not pay and also I must say the landlords, as has been said in various places by the Hon'ble Revenue Minister, ought to have a broader view. They should not still claim that old treatment which they used to give to their tenants. It

they continue the same sort of treatment, they will come to a worse position in the realization of rent. Recently, I have seen in one place the zemindar's *gomasta* still realizing the *abwab* in spite of the amendment recently made. If that sort of thing is still connived by the zemindars, they will always be in the same position. So I think there is not much to talk about particularly on the present amendment. This may be passed without wasting any more time.

Mr. D. H. WILMER: Mr. President, Sir, although the landlords have the sympathy of this party in their difficulties with regard to their failure to realize rents, I am opposing this amendment. In the first place, I would suggest, Sir, that clauses of a penal nature should not, on principle, appear in a Bill which is unconnected with the Criminal Law. If a person is owed money, and does not realize it on the due date, the compensation which the law recognises as due to him, is for the loss of his money, and the proper method of compensating him is the payment of interest. I therefore feel, Sir, that the provision in the Act that a defaulting tenant is liable to pay interest is an adequate compensation for a landlord who is not paid his rent at the proper time, and the proposal is that the rate of interest should be fixed at 6¼ per cent. Well, Sir, any creditor who receives that rate of interest on his money should in my humble opinion be satisfied. The only other comment, Sir, I have to make is on the wording of the amendment. Because the word 'if' placed in the section where it is proposed, appears to be out of place. Sub-clause (2) of section 68 deals with a case where it appears to the court that a plaintiff has instituted a suit without reasonable or probable cause, and awards damages to the defendant. If therefore it is proposed to introduce this amendment, I submit it should appear in some other part of the section.

Mr. NUR AHMED: Mr. President, Sir, I rise to oppose this amendment. I am very sorry to say that the appeal made by the hon'ble Maharaja has not convinced me about the reasonableness of his amendment. The Maharaja wanted to solve the big problem, that is the problem of regular payment, by this amendment. In my humble opinion, if this amendment is accepted, it will introduce a new principle which was not in the original Bill. It is known to all of us, Sir, that the payment of both interest and damage goes directly against the provision of another proviso in the original Bill which allows the Court only the power to allow damages or interest and does not authorize the Court to award both damages and interest at the same time. So, if it is now added, there will be two conflicting provisos in the same Act. Again, it will add to the difficulty of the Court, namely, it will introduce a complicated method in a simple rent suit. The Court will have to decide as to who is a habitual defaulter and who is intentionally neglecting. That will lead the tenants to produce

evidence and counter-evidence. So, there will be unnecessary delay and unnecessary complexity in a simple rent suit. I, therefore, appeal to the Maharaja to read the signs of the times. The time has come to give facility to the tenants to pay their rent and not to put difficulties in their way and alienate their sympathy in any way. I appeal to the Maharaja to withdraw his amendment.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. President, Sir, may I have your permission to speak in Bengali, because I want to reply to one or two points raised by Khan Bahadur Mohammed Ibrahim.

Khan Bahadur NAZIRUDDIN AHMAD: It is against the rules, Sir.

Mr. PRESIDENT: Rai Bahadur, you will have to speak in English.

Rai KESHAB CHANDRA BANERJEE Bahadur: My arguments will be mainly directed against the points raised by Khan Bahadur Mohammed Ibrahim.

Mr. PRESIDENT: The Rai Bahadur will have to speak in English, as that is the language of the House.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, Khan Bahadur Mohammed Ibrahim and Professor Humayun Kabir have both said that the holdings of tenants are uneconomic and that 80 per cent. of tenants live on uneconomic holdings. Sir, my association with the tenants extends over 30 years, and my experience has given me this impression that 50 per cent. of the tenants can easily pay rent, 25 per cent. can pay with difficulty and the remaining 25 per cent. cannot pay. That is my reading of the situation. Of course, I speak subject to correction. It may not be the case everywhere, in every district and every *mahal*, but that is generally the case with the tenants. That being the case, I fail to understand what harm will be done if the amendment moved by the Maharaja Bahadur is accepted. Sir, cultivation is a sort of business just as *zemindari* is a business, and I fail to understand why the tenants, if they find that their holdings are uneconomic and they do not get any return from the land which they cultivate, should not relinquish the land, take to some other profession. I think it is generally the experience of those who have had any connection with the management of estates that when a decree is obtained against a tenant for arrears of rent, it is very difficult to dislodge him. Even if possession is taken, then we find that the old tenant who has been ousted for defaulting in the payment of rent again

occupies the land and a number of criminal cases are instituted under the Indian Penal Code. That being the case, I do not understand why my friends opposite should hesitate to support this amendment. Then, Sir, there are other points. The great University professor Mr. Humayun Kabir has opposed the amendment on principle. May I ask him whether he will voluntarily forego his pay if the University authorities fail to realize fees from the students?

Mr. HUMAYUN KABIR: If everybody does, so shall I.

Rai KESHAB CHANDRA BANERJEE Bahadur: Then, I would like to draw the attention of the Hon'ble Minister as well as of the House to the fact that the Government of Bihar have already decided to make necessary provisions for taking action against the habitual defaulters. May we not ask the Government of Bengal to follow suit, because the amendment will apply effectively against the habitual defaulter and not against the tenant who occasionally or under circumstances over which he has no control, fails to pay his legitimate dues? I am afraid as a result of the propaganda that is now being carried on against payment of rents, it is not unlikely that the majority of tenants will come within the category of habitual defaulters. At any rate, that is our experience in mufassil. Even those tenants who are better off than the others do not at the present moment pay, although they are in a position to pay.

Sir, with regard to the point made by Khan Bahadur Maulvi Md. Ibrahim that this is a new amendment, I beg to join issue with him, because I know that it was inserted in the original Bill by the Minister himself, although during the final reading of the Bill, the clause was withdrawn under pressure. That is all I have got to say, and I think that it is not an unreasonable demand. What I am afraid of is that if we do away with this penal clause, we would be encouraging the tenants not to pay rent. That, Sir, will be the effect: that is my apprehension!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment on the very simple ground that it is inconsistent with the first proviso to this section. The first proviso provides that interest shall not be decreed when damages are awarded under this section. So, if the Maharaja Sahib's amendment is accepted, that will be inconsistent with the first proviso. Besides, this proviso cannot be inserted after sub-clause (2), that is not the proper place for inserting this amendment if it is to be inserted at all. Moreover, we are not amending the substantive principle underlying this section. We are simply reducing the rate of damage from 25 per cent. to 12½ per cent. The Maharaja Sahib has said that one is not a corollary to the other. I still maintain, Sir, that one is a corollary to the other.

First of all, I would request my hon'ble friend the Maharaja Sahib to calculate for himself how much he will get as a landlord if the rate of interest is paid on four instalments of rent and at $6\frac{1}{4}$ per cent., and how much he will get if damages at $12\frac{1}{2}$ per cent. are allowed on the total amount. They would practically come to the same thing. So it is a mistake to assume that the rate of damage is double the rate of interest.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I want both.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He is under an unfortunate misapprehension that the damages will amount to double the interest; that, Sir, is not so, I repeat again. The interest is paid on every kist of rent defaulted. That means $6\frac{1}{4} \times 4$, or 25. Whereas the rate of damage is only allowable up to 25 per cent. on the total amount of rent plus cost, so that there is not much difference between the two.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: As I have said, I want both.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I request the Maharaja Sahib not to be impatient? I shall reply to his question later on: In fact, the expression damage here is a misnomer, as is evident from the language of sub-section (*1*), namely, "If in any suit brought for the recovery of arrears of rent, and if it appears to the court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount of rent due by him, the court may award to the plaintiff, in addition to the amount decreed for rent and cost, such damages, not exceeding 25 per cent. on the amount of rent decreed, as it thinks fit." So there is sufficient discretion left to the court. Where the court finds that a particular tenant has neglected to pay in spite of the fact that he was in a position to pay, damages are allowable: so, what is the justification of introducing the proviso which the Maharaja Sahib now suggests, apart from the fact that this new proviso will be inconsistent with the first proviso and that it will really amend the substantive principle underlying the section which we are not doing in this Bill? Moreover, from the monetary point of view it will not make much difference. If the rate of interest is brought down from $12\frac{1}{2}$ per cent. to $6\frac{1}{4}$ per cent., it is only fair that the rate of damage also should be brought down from 25 per cent. to $12\frac{1}{2}$ per cent. I may assure him in conclusion that when I agree that the landlords should be provided with a speedy method of realisation of rent, I do not make a mere profession, as the Maharaja has suggested, but I really mean it, both in the interests of the landlords and tenants. But I feel that the method should be direct and more effective.

Mr. PRESIDENT: The question before the House is that at the end of clause 2 of the Bill, the following be added, namely:—

"and at the end of sub-section (2) of the said section, the following proviso shall be added, namely:—

'Provided that if the court is satisfied that the defendant has intentionally neglected or refused to pay the amount of rent due by him, or that he is a habitual defaulter it shall award to the plaintiff, in addition to the amount decreed for rent and cost both interest and damages at the prescribed rate'."

(The amendment was lost.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In view of the fact that the passage of the Bill will be delayed if my amendment is moved, I do not like to move it, although I think it was quite justified.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

The question was agreed to.

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

The question was agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tenancy (Second Amendment) Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Tenancy (Second Amendment) Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Tenancy (Second Amendment) Bill, 1938, as settled in Council, be passed.

The question was agreed to.

Mr. PRESIDENT: The Bengal Rates of Interest Bill, 1938, as passed by the Assembly, will now be taken up.

The Bengal Rates of Interest Bill, 1938.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I beg to move that the Bengal Rates of Interest Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Rates of Interest Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: The question before the House is that the Bengal Rates of Interest Bill, 1938, as passed by the Assembly, be taken into consideration.

The question was agreed to.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

The question was agreed to.

Clause 2.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

The question was agreed to.

Schedule.

Mr. PRESIDENT: The question before the House is that the Schedule stand part of the Bill.

The question was agreed to.

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

The question was agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Rates of Interest Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Rates of Interest Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Rates of Interest Bill, 1938, as settled in Council, be passed.

The question was agreed to.

Mr. PRESIDENT: The House will now take up the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly.

The Bengal Tanks Improvement Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: I find there is a motion for reference of the Bill to a Select Committee. As the Bill was referred to a Select Committee by the Lower House, I rule that the Select Committee motion is barred. I will, therefore, put the motion for consideration to vote.

The question before the House is that the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly, be taken into consideration.

The question was agreed to.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

The question was agreed to.

Clause 2.

Mr. NUR AHMED: I beg to move that in sub-clause (*1*) of clause 2 of the Bill after the words "Co-operative Societies", the words "any other recognised society or public body" be inserted.

Sir, this is a very simple amendment, the purpose of which is to widen the scope of the word "person" in this Bill. The Collector has been given the power to declare as to who should be an "authorised person", but in the matter of his choice, the Collector is restricted.

A definition has been given in this Bill of who is the authorised person and from this definition it appears that an authorised person means a local authority, a co-operative society or any person interested in tanks. In a village there are other local authorities and societies other than a co-operative society, namely, palli-mangal society or village rural reconstruction societies, and many other societies, but no power is given to the Collector to declare such societies, which are exclusively formed for the improvement of the villages, as "authorised person". It is for the proper working of this Act that this addition is necessary. I think I need not take much time in impressing on the House the necessity of this simple amendment So, I appeal to the Hon'ble Minister in charge of this Bill to accept this amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 2 of the Bill after the words "Co-operative Society," the words "any other recognised society or public body" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment on the simple ground that it is quite unnecessary. The words "all persons" include society or public body, whoever it might be. So, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 2 of the Bill after the words "Co-operative Society," the words "any other recognised society or public body" be inserted.

A division was called.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 2 of the Bill after the words "Co-operative Society" the words "any other recognised society or public body" be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that——

Mr. PRESIDENT: Order, order. I would suggest to the Hon'ble Minister that since the main motion is in his name, it would be better if this amendment is moved by some other member.

Khan Bahadur ATAUR RAHMAN: May I move this amendment, Sir?

Mr. PRESIDENT: Yes.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in sub-clause (7) of clause 2 of the Bill, for all the words beginning with "and include the banks" the words "and includes any part of a tank and the banks thereof except such portions of the banks as are homestead, garden or orchard lands" be substituted.

Sir, in moving this I beg to add that the next amendment in my name is practically the same, but its wordings appear to be defective. So I move this amendment in place of my next amendment and hope that this will be accepted by the House.

Mr. PRESIDENT: Amendment moved that in sub-clause (7) of clause 2 of the Bill, for all the words beginning with "and includes the banks", the words "and includes any part of a tank and the banks thereof except such portions of the banks as are homestead, garden or orchard lands" be substituted.

Mr. D. H. WILMER: Mr. President, Sir, I do not wish in any way to obstruct this measure. I would like the Hon'ble Minister to consider the position that possibly on all the banks of the tank may be orchards or gardens, in which case the exemption which is conferred by this section would make it impossible to carry out the purpose of the Act, because no access to the tank could be obtained. Therefore, I submit that the amendment should be limited to some extent to ensure that access to the tank would be obtained.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the exception is already there. Only I have added the word "part". That is the important word added to the amendment. I would draw the attention of the hon'ble member to the word "part". Originally the Bill clause as it stands makes an exception in favour of the whole of the bank, but now I introduce the word "part". Sometimes it may be that on only a part of the bank of a tank there may be orchards or homestead. That is the main objective of this amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (7) of clause 2 of the Bill, for all the words beginning with "and includes the banks", the words "and includes any part of a tank and the banks thereof except such portions of the banks as are homestead, garden or orchard lands" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 2 as amended stand part of the Bill.

(The question was agreed to.)

Clause 3.

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The question was agreed to.)

Clause 4.

Raja BHUPENDRA NARAYAN SINHA BAHADUR, of Nashipur: Sir, I beg to move that to sub-clause (*3*) of clause 4 of the Bill, the words "and a copy of the said notice shall be sent by registered post to the address of the zemindar and also to the persons having control over the tanks" be added at the end.

Sir, this is a simple and most modest request that I am making. In Bengal there are very few zemindars who keep the land in *khas* possession, and pay revenues to Government. Most of them let out their zemindari to tenure-holders and others. So, it is necessary that notice should be sent to the zemindar as also to the possessor of the tank. With these remarks, I move my motion.

Mr. PRESIDENT: Amendment moved that to sub-clause (*3*) of clause 4 of the Bill, the words "and a copy of the said notice shall be sent by registered post to the address of the zemindar and also to the persons having control over the tanks" be added at the end.

Mr. HUMAYUN KABIR: Sir, this seems perfectly an innocent amendment, but there is only one point on which I would like to have a little more light. Because, it may be in many cases that there is not one zemindar but there are many co-sharer zemindars, or it may be the number of persons having control over the tank is quite large, and in such cases if notice by registered post is to be sent to every one of them, it may mean a great deal of unnecessary expenditure, and also in many cases it may lead to all sorts of complications and difficulties. If that point is cleared, I do not think there would be any objection to this amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the interest of the owner is not affected in any way. It is the interest of the person having possession of the tank, that is affected. It is, therefore, unnecessary to serve any notice on the owner. That is the main point. Sir, I do not think it is necessary to serve any notice on the zemindar who has no immediate interest, because the interest of the person having possession of the tank is affected and not the rights of ownership of the landlord. So I oppose this amendment.

Rai KESHAB CHANDRA BANERJEE BAHADUR: Sir, there is only one point to which I should like to draw the attention of the Hon'ble Minister. The point is this. There are many tanks, so far as my experience goes, which are leased out from time to time to tenants or other persons, and if the zemindar concerned does not get a notice, he will be quite in the dark as to what requirements are to be fulfilled, and as soon as the lease is over, the tank may revert to *khas* possession. In such cases difficulty will arise and I think both the lessee and the zemindar should be kept informed of the action taken under this Act.

Mr. PRESIDENT: The question before the House is that to sub-clause (*3*) of clause 4 of the Bill, the words "and a copy of the said notice shall be sent by registered post to the address of the zemindar and also to persons having control over the tanks" be added at the end.

(The amendment was negatived.)

Khan Bahadur ATAUR RAHMAN: Sir, practically this is the same amendment as the previous one except for the difference that in place of the word "zemindar", it is "owner" here. So, I do not move my amendment.

Rai MANMATHA NATH BOSE Bahadur: Sir, my amendment is practically the same as the previous one moved by the Raja Bahadur and the only difference is that reference is to "owner" in our amendment and——

Mr. PRESIDENT: You do not like to press your amendment. Is that so?

Rai MANMATHA NATH BOSE Bahadur: I would like to press it very much, but as a matter of fact, I am afraid it will share the same fate as the previous one. So I do not move.

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The question was agreed to.)

Clauses 5 and 6.

Mr. PRESIDENT: The question before the House is that clauses 5 and 6 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that in clauses 5 and 6 of the Bill, after the words "Co-operative Society", wherever they occur, the words "any other recognised society or public body" be inserted.

Sir, this is practically consequential to the amendment No. 3 which has been carried and when the amendment No. 3 has been accepted, my humble submission is that as this is a consequential amendment, the House should accept this.

Mr. PRESIDENT: Amendment moved that in clauses 5 and 6 of the Bill, after the words "Co-operative Society," wherever they occur, the words "any other recognised society or public body" be inserted.

Mr. PRESIDENT: The question before the House is that in clauses 5 and 6 of the Bill, after the words "Co-operative Society", wherever they occur, the words "any other recognised society or public body" be inserted.

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is that clauses 5 and 6 as amended stand part of the Bill.

(The question was agreed to.)

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 7th of March, 1939.

Members absent:

The following members were absent from the meeting held on Monday, the 6th March, 1939:—

(1) Sir E. C. Benthall.
(2) Mr. Humayun Reza Chowdhury.
(3) Khan Bahadur Rezzakul Haider Chowdhury.
(4) Mr. Kamini Kumar Dutta.
(5) Khan Bahadur S. Fazal Ellahi.
(6) Nawabzada Kamruddin Haider.
(7) Mr. Mohammad Hossain.
(8) Mr. T. Lamb.
(9) Mr. J. McFarlane.
(10) Rai Bahadur Satis Chandra Mukherjee.
(11) Mr. E. C. Ormond.
(12) Mr. H. P. Poddar.
(13) Rai Sahib Jatindra Mohan Sen.
(14) Rai Bahadur Surendra Narayan Sinha.

B. G. Press—1939-40—39A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 7th March, 1939, at 2-15 p.m., being the fourteenth day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Government advertisements.

84. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in in charge of the Publicity Department be pleased to state—

(*a*) the principle, if any, in accordance with which Government advertisements are placed in different daily papers in the province;

(*b*) the names of the papers in which such advertisements were placed during the course of the budget years 1937-38 and 1938-39;

(*c*) the amounts of charges paid to these papers in respect of advertisements during the said two periods and

(*d*) if Government advertisements were placed at the usual rates charged by the papers or at special rates; and if so, the names of the papers which were paid special rates and the amounts paid to them month by month during the two periods?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Publicity Department): (*a*) The circulation of the papers concerned is the main criterion for placing Government advertisements in their columns.

(*b*) During the budget year 1937-38, Government used to advertise mainly in *Star of India*, *Amrita Bazar Patrika*, *Azad*, *Kesari* (now defunct), *Hitabadi*, *Sanjivani* and important newspapers in the mufassil.

During 1938-39, advertisements were also placed with the following newspapers in addition to those already mentioned:—*Hindusthan Standard*, *Ananda Bazar Patrika*, *Yugantar*, *Advance*, *Asr-e-Jadid* and *Lokmanya*.

(*c*) As the different departments concerned pay for their advertisements direct to the newspapers, the information is not available in the Publicity Department.

(*d*) No special rate is paid to any newspaper for any Government advertisement.

Mr. HUMAYUN KABIR: Are we to understand from the answer given in (*b*), that the *Star of India* leads in circulation?

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir, the *Star of India* has not got the highest circulation.

Mr. HUMAYUN KABIR: Are we to understand that *Kesari*, now defunct, is defunct on account of the huge circulation that it once had?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in spite of huge circulation, papers have been known to be defunct, *e.g.*, *Forward*.

Mr. HUMAYUN KABIR: With reference to answer (*c*), is it impossible for the Hon'ble Minister to collect information even though 15 days' notice was given?

The Hon'ble Mr. NALINI RANJAN SARKER: It was very difficult to find out the information wanted.

Mr. HUMAYUN KABIR: Are we to understand that this is only a way of trying to evade the question?

The Hon'ble Mr. NALINI RANJAN SARKER: No, certainly not.

Mr. HUMAYUN KABIR: How can Government suggest that there has been no attempt to evade the question, when all the expenditure is met by the Government Departments and accounts must be shown in the Budget?

The Hon'ble Mr. NALINI RANJAN SARKER: That is not a question at all.

Appointment of the members of the Public Service Commission.

85. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state who appointed the members of the Public Service Commission and what are the names of the members?

(*b*) Did the Government lay down rules as to what departments and classes of officers they are to recommend for appointments?

(*c*) Are the Government aware of the feeling of keen disappointment amongst the members of the Public Service Commission as their recommendations in some important cases were whittled down by the Government?

(*d*) Will Government be pleased to state the names of persons who received the recommendations of the Public Service Commission for appointment but the recommendations were not accepted by the Government together with the names of those who have been appointed in those posts in their stead by the Government?

(*e*) Is it a fact that the Public Service Commission is not allowed to use free and unfettered discretion in performing their duties and is it a fact that they are unduly interfered with?

(*f*) If the answer to part (*d*) be that the Minister is not prepared to supply the information, will Government be pleased to state the ground for refusing such information?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) The Governor in his discretion appointed the members of the Public Service Commission. The names of the members are—

F. W. Robertson, Esq., C.I.E., I.C.S. (retd.), Chairman.

Lt.-Col. Sir Hasan Suhrawardy, O.B.E., V.H.S., M.D., LL.D., D.SC., D.P.H., F.R.C.S.

S. M. Bose, Esq., M.A., LL.B., Bar.-at-Law.

(*b*) The hon'ble member is referred to section 266 of the Government of India Act, 1935, and Part XIII of the Bengal Public Service Commission Regulations, a copy of which is placed in the Library.

(*c*) No; so far as my information goes, there is no basis for the suggestion that there is keen disappointment among members of the Public Service Commission.

(*d*) I regret I am not prepared to disclose the names of candidates. I also repudiate the suggestion that appointments are given to persons outside the panel of names recommended by the Public Service Commission.

(*e*) No.

(*f*) Disclosing names will neither serve any public interest nor would it be fair to the persons concerned.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether persons were appointed outside the names of persons recommended by the Public Service Commission?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, my answer in (*d*) is very clear on this point.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any appointments were made of persons who had not been recommended by the Public Service Commission?

The Hon'ble Mr. NALINI RANJAN SARKER: Again I must say that my reply in (*d*) is quite clear on this point.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether some of the persons appointed by Government were not as a matter of fact named by the Public Service Commission?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know of any instance like this.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the order of preference given by the Public Service Commission was honoured by the Government in every case?

The Hon'ble Mr. NALINI RANJAN SARKER: No, not in every case.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state the reason why he is not prepared to give out the names of the candidates?

The Hon'ble Mr. NALINI RANJAN SARKER: That is my opinion.

Room of the Collector of Calcutta.

86. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the Collector of Calcutta sits in a room where electric lights are to be kept burning throughout the whole period he is to work in that room?

(*b*) Is it a fact that the room is insanitary as not having sufficient ventilation and passages for light and air, and is it a fact that the health of officers including the present officer occupying the said room has been adversely affected?

(*c*) Do Government propose to take any steps to improve the condition of the room?

(*d*) If the improvement of the room is not possible, will Government accommodate the officer in a room where he can get more light and air?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) The room is neither insanitary nor unventilated. It is however on the ground floor and the windows have to be kept closed to prevent dust, noise and public gaze. The health of the officer has not been adversely affected.

(*c*) and (*d*) Steps will be taken to provide alternative accommodation elsewhere in the building when certain offices are transferred.

Re-excavation of the Dholai khal.

87. Khan Bahadur KAZI ABDUR RASHID: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if the attention of the Government has been drawn to the immediate necessity and urgency of the re-excavation of the *khal* known as the Dholai *khal* that runs through the heart of the Dacca city?

(*b*) If so, what steps have the Government taken upto the present time to have it re-excavated as early as possible?

(*c*) Is it a fact that the portion of the *khal* from the Baburbazar *ghat* near the Dacca Medical School right up to the Nawabpur Bridge near the Rai Saheb's Bazar has been practically silted up owing to constant throwing by the Dacca Municipality of the sweepings and other refuse matters of the town?

(*d*) Is it a fact that owing to silting up of the said Dholai *khal*, the health of the people inhabiting the lands on either banks of the *khal* is very much affected?

(*e*) Is it a fact that private persons have encroached upon the bed of the *khal* and constructed thereon *pucca* buildings for their own private purposes, with or without the permission of the Dacca Municipality?

(*f*) Is it a fact that the Dacca Municipality sold the lands situated on the banks of the *khal* to private persons at nominal prices hampering thereby the natural flow of water in the *khal*?

(*g*) Are Government aware that a few years back big country boats used to ply with merchandise from distant parts of the country through this *khal* almost throughout the year, and is it a fact that now even smaller boats cannot pass beyond the Nawan Bridge even during the rains?

(*h*) Do the Government propose to appoint a Committee as early as possible to enquire into the problem of the Dholai *khal* and to draw up a scheme to re-excavate the *khal*? If not, why not?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) This matter was considered at a conference held at Dacca on the 26th January, 1936, with the then Member in charge of the Irrigation Department in the Chair. The Commissioners of the Dacca Municipality and the Chairman of the Dacca District Board were among those present.

As the scheme of the canalization of the Dholai *khal* (city portion) was not in the opinion of the experts a practical one, it was dropped and the Municipality, to whom the *khal* belongs, was advised to close it.

(*b*) Does not arise.

(*c*), (*e*) and (*f*) I do not know.

(*d*) I understand that the *khal* is insanitary.

(*g*) I am not aware of the present-day position.

(*h*) No. For the reason stated in the reply to (*a*).

Mr. HUMAYUN KABIR: With reference to answer (*c*), where the Hon'ble Minister says "I do not know," are we to understand that no enquiries were made so that the Hon'ble Minister might know?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I have already said, the matter was gone into in some detail and a conference was held, and I have no information on the subject as to what happened after that date.

Resolution regarding Mr. Gandhi's Fast.

Mr. LALIT CHANDRA DAS: Sir, may I have your permission to move the following motion:—

"That this Council requests His Excellency the Governor forthwith to convey to His Excellency the Viceroy and Governor-General of India this Council's profound concern for the health of Mahatma Gandhi whose vitality, due to the fast over the Rajkot affair, is fast ebbing away, with the request that His Excellency may be pleased to help in bringing about the termination of the fast by a speedy and satisfactory solution of the Rajkot affair and thus save Gandhiji's life."

Mr. PRESIDENT: To-day is a day allotted for transaction of official business. If the hon'ble member had moved this motion under section 38 of our Rules and Standing Orders which gives the Chair the right to suspend the rule about notice, the Chair would have gladly done so; but the present motion comes under section 118 of our Rules and Standing Orders for which a special day has got to be allotted by the Governor.

The Chair will, however, communicate this matter to the Government and will let the hon'ble member know later on if the Government found their way to allot some time for this motion to be discussed.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. Section 118 of the Bengal Legislative Council Rules and Standing Orders deals with communications between the Council and the Governor, and lays down that any Address from the Council to the Governor shall be presented through the President after the motion is made and carried in the Council. As a matter of fact, I do not bring it under section 118, but I rely on the proviso to sub-rule (2) of Rule 38 of our Rules and Standing Orders. The rule runs thus:—

"A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by a member.

"A member who wishes to move a motion (other than a motion for which a specified period is otherwise prescribed) shall give notice of his intention to the Secretary 10 days before the meeting at which he intends to move his motion:

Provided,—and this is the proviso I am relying on,—that the President may in his discretion admit at any time any motion at shorter notice than that prescribed by any order or may admit a motion without notice."

In making my motion, I specifically mentioned sub-section (2) of section 38 of the Rules and Standing Orders.

Mr. MESBAHUDDIN AHMED: The Chair has already given the ruling, Sir, and he cannot proceed further.

Mr. LALIT CHANDRA DAS: Under the proviso to sub-section (2) of section 38 of the Rules and Standing Orders, I respectfully beg to submit that you, Sir, may be pleased to suspend the usual rule regarding notice and admit the motion without notice and allow me to move it to-day.

The Hon'ble Mr. NALINI RANJAN SARKER: What about section 16?

Mr. PRESIDENT: I have already explained that the proviso to sub-section (2) of section 38 gives power to the President in his discretion to admit a motion at a shorter notice than that prescribed by any order or may admit a motion even without any notice. And I have also said that the Chair will be willing to suspend the period of notice in this case. But this being an official day, that is a day allotted for

official business, no non-official business can be transacted. As a matter of fact, it is beyond the jurisdiction of the Chair to permit this motion to be moved to-day. I shall, however, communicate with the Governor in connection with the allotment of another day to enable the hon'ble member to move his motion under section 118 of the Rules and Standing Orders. Meanwhile, this motion does not arise now.

The Hon'ble Finance Minister will now present his Supplementary Financial Statement for the year 1938-39.

Presentation of Supplementary Estimate of Expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, under section 81 of the Government of India Act, 1935, I beg to present the Supplementary Estimate of Expenditure that will be necessary during the current year. The total amount is Rs. 34,08,000, the bulk of which is voted. The demands are spread over about 15 major heads and the reasons for the anticipated excess are given in the Explanatory Memorandum. With these few words, I present the Supplementary Estimate of Expenditure for the year 1938-39.

Hon'ble Members: Where is the Memorandum?

The Hon'ble Mr. NALINI RANJAN SARKER: Copies of the Memorandum will soon be distributed.

(Copies of the Supplementary Estimate and Memorandum were then distributed to the hon'ble members.)

Mr. HUMAYUN KABIR: Sir, I rise on a question of privilege of this House. During the last session or the session before that, the Government were pleased to state that the Leader of this House would be appointed before the House met again. I believe this is the second session since then, and yet no announcement of the Government's policy has been made. May I enquire through you, Sir, if the Government have done anything in that direction or propose to do anything towards that end?

Mr. PRESIDENT: There was a communication from the Government appointing the Hon'ble Mr. Nalini Ranjan Sarker as the Leader of the House. The hon'ble members will perhaps remember that my ruling in this connection was that the Leader must be a member of this House.

The House will now resume discussion on the Bengal Tanks Improvement Bill, 1938.

Mr. HUMAYUN KABIR: What is then the position, Sir, if your ruling is that a member of the House shall function as the Leader of the House?

The Bengal Tanks Improvement Bill, 1938.

Mr. PRESIDENT: Order, order. The Bengal Tanks Improvement Bill is now before the House.

Clause 7.

The question before the House is that clause 7 stand part of the Bill.

Mr. NUR AHMED: I do not move my amendment, Sir.

Rai MANMATHA NATH BOSE Bahadur: I beg to move, Sir, that clause 7 of the Bill be renumbered as clause 7(*1*) and at the end of this, the following new sub-clause be added, viz.—

"(*2*) After taking possession of the tank under sub-section (*1*) of section 7, the Collector shall either appoint another authorised person to carry out the improvements or carry them out himself."

Mr. PRESIDENT: Amendment moved that clause 7 of the Bill be renumbered as clause 7(*1*) and at the end of this, the following new sub-clause be added, viz.—

"(*2*) After taking possession of the tank under sub-section (*1*) of section 7, the Collector shall either appoint another authorised person to carry out the improvements or carry them out himself."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept this amendment.

Mr. PRESIDENT: The question before the House is that clause 7 of the Bill be renumbered as clause 7 (*1*) and at the end of this, the following new sub-clause be added, viz.:—

"(*2*) After taking possession of the tank under sub-section (*1*) of section 7, the Collector shall either appoint another authorised person to carry out the improvement or carry them out himself."

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 7 as amended stand part of the Bill.

(The question was agreed to.)

Clauses 8-12.

Mr. PRESIDENT: The question before the House is that clauses 8, 9, 10, 11 and 12 stand part of the Bill.

(The question was agreed to.)

Clause 13.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 13 of the Bill, the words "or to take fruits from trees on, or other produce from, the banks of the tank" be omitted.

Sir, this is practically an amendment which is the result of amendment made in section 2, sub-section (7) where the homestead, garden or orchard has been omitted from the definition of land. So, in connection with this part of the section "to take fruits from trees or other produce" should be omitted, because the Government is not going or the authorised person is not going to be in possession of that garden or orchard which is situated on the bank.

Mr. PRESIDENT: Amendment moved, that in clause 13 of the Bill, the words "or to take fruits from trees on, or other produce from, the banks of the tank" be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as the hon'ble member has pointed out, it is really consequential to the amendment suggested by him in clause 2(7) which was not moved, so far as I remember. But I do not think this amendment is really necessary to make a distinction between trees and orchards, because there may be some trees and the authorised person should have the right to pluck fruits from those trees and to reimburse himself by selling those fruits. So, why should he be deprived of the opportunity of doing so. We have certainly omitted orchards. Orchard is a different thing from trees. There may be one or two trees in an orchard, and if this amendment is accepted, it will deprive the authorised person even from that opportunity which Government propose to give him. I would request the hon'ble member not to press this amendment.

Mr. PRESIDENT: The question before the House is that in clause 13 of the Bill, words "or to take fruits from trees on, or other produce from, the banks of the tank," be omitted.

(The question was negatived.)

Mr. PRESIDENT: The question before the House is that clause 13 stand part of the Bill.

(The question was agreed to.)

Clause 14.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*1*) of clause 14 of the Bill, for the word "terminated," the words "suspended for such period as the Collector determines" be substituted.

Mr. President, Sir, in moving the amendment I have to explain the significance of this amendment. It appears from clause 14 that when the bed of a tank is in possession of an agriculturist who has taken a lease for agricultural purposes, if such a bed is declared to be a real tank and possession is taken by an authorized person, in that case on payment of some compensation, this right will be terminated. In this connection, I draw the attention of the members to sections 12 and 13. Sections 12 and 13 deal with the case of a person other than the owner who is in possession of a tank. Section 12 says that possession of such a person will be suspended practically on payment of some compensation, and section 13 deals with the right of a person who has got the right of taking fruits from the trees on the banks of such tanks, and on payment of some compensation this right also will be suspended. I have used the words "suspended" intentionally in respect of these two clauses 12 and 13. Because, from another clause of this Bill it appears that when this period of possession will be terminated, this right will be revived, but the right embodied in clause 14, that is the right of an agriculturist who has taken lease of a tank, will be terminated for ever. From clause 21, it appears that only that right will not be revived, although all other rights will be revived. That is a very serious aspect of this clause, and this right may be a very valuable right. He may have taken lease of the bed of the tank, might have improved it and might have acquired the right on that portion. Such a valuable right will be terminated forever.

It appears from the section that in the original Bill there was no such wording. It only says that he will be exempted from payment of rent during the period of possession. I draw the attention of the Government that his right will only be suspended and not terminated. But this Bill was altered in the Select Committee and the word "terminated" was substituted. So my verbal amendment is to restore that right to the agriculturist when the possession will be terminated. I think it is a very reasonable and necessary amendment. I appeal to the Hon'ble Minister in charge to accept this amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 14 of the Bill, for the word "terminated", the words "suspended for such period as the Collector determines" be substituted.

Mr. HUMAYUN KABIR: Sir, I very regretfully oppose this amendment, because it seems to me that if a tank is re-excavated, then

you cannot retain the right of the agriculturist in the bed of the tank. The idea of the proposed Bill is that when derelict tanks are re-excavated, their beds cannot be utilised for purposes of agriculture. Now, the amendment moved by my hon'ble friend, Mr. Nur Ahmed, if carried, would still give a right to the bed of the tank to the agriculturist who had taken a lease of it for agricultural purposes. I think, Sir, therefore this amendment should not be accepted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid this amendment has been moved on some misapprehension as rightly explained by Mr. Humayun Kabir. When the tank is improved, its bed will cease to be useful for agricultural purposes. So, the idea that the right of the agriculturist should subsist and he should get another chance of reviving his agricultural operations in the bed of the tank even after its improvement, seems to be incongruous. I oppose this amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the contention of the Hon'ble Minister is not still clear to me, because clause 21 says that the possessors of the bank of the tank will be restored to their possession and why in that case the possessor of the bed of the tank should not also get possession after the tank has again fallen into disuse. If the tank falls into disuse, why should not he also get back possession of the bed of the tank and thus be able to cultivate it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I explain the point, Sir.

Mr. PRESIDENT: You cannot make a second speech, but you can merely meet his points.

THE Hon'ble Sir BIJOY PRASAD SINGH ROY: I would draw the hon'ble member's attention to the language of the Bill clause, "When the bed or any part of the bed of a tank has been leased out to cultivators for agricultural purposes (clause 14)....." It will be seen that it refers to derelict tanks, parts of which having dried up have been converted to agricultural land. Now, when the tank is improved by excavation, it will cease to be land fit for cultivation. The idea underlying the present Bill is to improve the tank and when that is done, the bed of the tank will no longer be available for agricultural purposes. So that, right of cultivation cannot subsist. If the right of cultivation is insisted upon then the tank cannot be improved. That is why the amendment is inconsistent with the object of this clause.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The position does not seem to be clear even now, Sir, because according to clauses 12 and 13, we are thinking of a contingency happening after 20 years. We are not thinking of a situation in the immediate future. After 20 years, since the possessors of the tanks will be restored to their possession, why then should not this man who had the right of fishing be restored to the possession of the bed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So long the tanks will remain, the right of fishing will remain there. But the dried up tank which has been re-excavated and improved into a good tank full of water can never be fit for cultivation. That is the simple reason why the right of cultivation cannot subsist. Moreover, he gets compensation, Sir.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 14 of the Bill, for the word "terminated," the words "suspended for such period as the Collector determines" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 14 stand part of the Bill.

(The question was agreed to.)

Clause 15.

Mr. NUR AHMED: I beg to move that in clause 15 of the Bill after the word "drinking", the words "and other domestic" be inserted.

It is a very simple amendment, Sir, and I draw the attention of hon'ble members to section 15 which runs as follows: No person shall without the permission of the authorised person use or occupy the tank or use the water except for drinking purposes, etc. My amendment says that for the word "drinking," the words "and other domestic" be inserted, because it appears from this very clause that to give power to a person to use the water of such tanks for drinking only may be misconstrued, as a person in that case can only go there and drink water, and not be allowed to take water from those tanks for other domestic purposes. So, Sir, to avoid this difficulty, I suggest that water of the tanks may be taken not only for drinking but also for other domestic purposes. It is a very simple amendment, Sir, and it is also a necessary amendment. I hope that the Hon'ble Minister will accept the amendment in order to make clear the meaning of the original section.

Mr. PRESIDENT: Amendment moved: That in clause 15 of the Bill, after the word "drinking", the words "and other domestic" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, personally, I do not think that this amendment is necessary, because agricultural tanks are situated mostly in the fields and they are not within the villages. So, the question of domestic use of waters from tanks in the villages will seldom arise. Government, however, do not oppose the amendment; if it is the desire of the House that this amendment should be accepted, Government will abide by the wishes of the House.

Mr. PRESIDENT: The question before the House is that in clause 15 of the Bill, after the word "drinking", the words "and other domestic" be inserted.

(The question was agreed to.)

Rai MANMATHA NATH BOSE Bahadur: Sir, may I, on behalf of Sir Bijoy Prasad Singh Roy, move the next motion, that stands in his name?

Mr. PRESIDENT: Yes.

Rai MANMATHA NATH BOSE Bahadur: I beg to move that to clause 15 of the Bill, the words "except such portions of the banks as are homestead, garden or orchard lands" be added at the end.

Mr. PRESIDENT: Amendment moved: That to clause 15 of the Bill, the words "except such portions of the banks as are homestead, garden or orchard lands" be added at the end.

Mr. PRESIDENT: The question before the House is that to clause 15 of the Bill, the words "except such portions of the banks as are homestead, garden or orchard lands" be added at the end.

(The question was agreed to.)

Mr. PRESIDENT: The question is that clause 15 as amended stand part of the Bill.

(The question was agreed to.)

Clause 16.

Khan Bahadur ATAUR RAHMAN: I beg to move that in clause 16 of the Bill for sub-clause (*2*), the following be substituted, viz.—

"(*2*) a loan not exceeding the estimated amount of cost, if required, will be advanced by Government at an interest of 3 *percentum* per annum to the authorised person to carry out the improvement;

(*3*) the entire cost together with interest at 6½ *percentum* per annum will be recovered from persons whose lands are benefited by the tank,"

and the existing sub-clause (*3*) be renumbered as sub-clause (*4*) of the Bill.

Sir, my object in moving this amendment is that the whole Bill has really a very good intention of doing some good to the cultivators, particularly in West Bengal and a part of North Bengal, where the whole country is practically studded with irrigation tanks, most of which are dried up or are brought under cultivation, and the cultivators cannot irrigate their lands and that is one of the reasons why the outturn of crops has come down. This Bill, if it can be made workable, I am sure, will be a great boon to the cultivators of this part of Bengal. The difficulty, however, is about finance. The cultivators are really very eager to have such tanks, but they have not got money to re-excavate them. Zemindars——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Is this amendment in order, because it provides for expenditure from the revenues of the province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I, too, was going to take that objection, Sir.

Mr. HUMAYUN KABIR: Sir, may I speak on the point of order raised by Mr. Hamidul Huq Chowdhury? I would suggest that the objection raised by the Deputy President is not valid for the following reasons: It has been provided in the course of the Bill that the Collector will decide in certain cases whether he is to make over a particular tank to an authorised person or a co-operative society in order to carry out improvements to the tank. Therefore, a great deal of discretion is reserved to the Collector as to whether he should undertake such excavation at all or not. If that power of discretion is reserved to the Collector, to provide in the Bill that certain funds may be advanced by the Government is not *ultra vires* of the powers of this House. I may draw your attention to an amendment which was carried in this House last year, where a particular amount of money had been provided by Government with regard to the Famine Insurance Fund and this House increased the amount of that grant. We know that this House has no power to originate a Money Bill, or to place any new charge upon the revenues of the province. But here in the Bill that is already before us, the amendment only seeks to provide for certain cases in which under certain conditions the Collector might advance money to a person who undertakes to carry out such reforms of the tanks; I would further suggest that you, Sir, may be pleased

to interpret the rules so as to extend the powers of this House as far as possible. If any objections are to be raised, they may be raised elsewhere, by those who might have any objection to raise. I hope, that you, Sir, will allow us to proceed with the Bill and in this way try to increase the powers of this House.

Mr. PRESIDENT: I think the hon'ble member who raised this objection had section 82 (*3*) of the Government of India Act, 1935, in mind, according to which "A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a province shall not be *passed* by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill."

So it will be seen that no such Bill can be *passed* by a Chamber of the Legislatafure unless the Governor has recommended the consideration of that Bill. So, the question at this stage is not whether this House or the Lower House can pass a Bill, which involves any expenditure from the revenues of the province, without the permission of the Governor. That question will really be relevant at the time of *passing* the Bill.

Mr. HAMIDUL HUQ CHOWDHURY: The matter comes under section 82 (*1*) (*b*). It has been introduced in the Lower House——

Mr. PRESIDENT: The question of introduction does not matter. Section 82 (*1*) (*b*) is not concerned with the above matter, because it was introduced in the other House. We are now considering the Bill as settled in the Lower House. The point raised comes under section 82 (*3*). There is no question of this House or that House having certain powers or not. There is no distinction between one or the other Chamber of the Provincial Legislature here: the sanction of the Governor will be necessary in the case of both Houses before a Bill which provides for expenditure from the revenues of the province is *finally passed*.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Section 82 (*1*) (*b*) reads as follows: 'A Bill or amendment making provision for regulating the borrowing of money or the giving of any guarantee by the province, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the province, etc., shall not be introduced except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council. Does not this question of a grant of a loan come under that section, as it is tantamount to guaranteeing the funds of this province for a certain purpose?

Mr. E. C. ORMOND: I do not know, Sir, if it will be of any assistance to you——

Khan Bahadur ATAUR RAHMAN: Sir, may I be permitted to draw attention to clause 17 of this Bill in which the Government has undertaken a monetary charge as in 17 (*b*), viz., that the Collector in carrying out the purposes of this Act in respect of a tank will also take charge of tanks and re-excavate or improve them? So Government has already undertaken a financial charge in this Bill. Further, Sir, I request that I may be permitted to alter my amendment to the following effect, namely that instead of the word "will" in the second line, the words "may be" be substituted, so that the advance of a loan will only be discretionary and not binding. In that case, it will not be a charge on the provincial revenue. If you will kindly permit me to alter my amendment accordingly——

Mr. PRESIDENT: I consider that your amendment is out of order.

Rai MANMATHA NATH BOSE Bahadur: I beg to move, on behalf of Sir Bijoy Prasad Singh Roy, that for sub-clause (*2*)(*a*) of clause 16 of the Bill, the following sub-clause be substituted, namely:—

"(*a*) to any person in respect of that portion of his land for which he had the right to use the water at the time when possession was first taken of the tank under this Act."

Mr. PRESIDENT: Amendment moved: That for sub-clause (*2*)(*a*) of clause 16 of the Bill, the following sub-clause be substituted, namely:—

"(*a*) to any person in respect of that portion of his land for which he had the right to use the water at the time when possession was first taken of the tank under this Act."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I think I should explain the necessity for this amendment. The idea is that the owners of lands which had rights of irrigation in these tanks before improvement should continue to enjoy those rights at a favourable rate, only with regard to that portion of the holding or those lands which had such a right, and not with regard to all lands that may belong to the owners of such holdings. That is the real intention of this amendment.

Mr. PRESIDENT: The question before the House is that for sub-clause (*2*) (*a*) of clause 16 of the Bill, the following sub-clause be substituted, namely:—

"(*a*) to any person in respect of that portion of his land for which he had the right to use the water at the time when possession was first taken under this Act."

(The amendment was agreed to.)

Rai MANMATHA NATH BOSE Bahádur: Sir, I beg to move that in sub-clause (*2*) of clause 16 of the Bill for the word "payment" wherever it occurs, the word "receipt" be substituted.

Sir, this is a clerical omission. I think the proper word should be "receipt" and not "payment," and as such should be accepted.

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 16 of the Bill, for the word "payment" wherever it occurs, the word "receipt" be substituted.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 16 of the Bill, for the word "payment" wherever it occurs, the word "receipt" be substituted.

(The amendment was agreed to.)

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that after sub-clause (*2*) of clause 16 of the Bill, the following sub-clause be inserted, namely:—

"(*2*)(*a*) The Collector shall determine the extent of the rights to use the water of the tank for irrigation purposes to be conferred on different persons by permission granted under sub-section (*2*)."

Mr. PRESIDENT: Amendment moved that after sub-clause (*2*) of clause 16 of the Bill, the following sub-clause be inserted, namely:—

"(*2*) (*a*) The Collector shall determine the extent of the rights to use the water of the tank for irrigation purposes to be conferred on different persons by permission granted under sub-section (*2*)."

Mr. PRESIDENT: The question before the House is that after sub-clause (*2*) of clause 16 of the Bill, the following sub-clause be inserted, namely:—

"(*2*) (*a*) The Collector shall determine the extent of the rights to use the water of the tank for irrigation purposes to be conferred on different persons by permission granted under sub-section (*2*)."

(The amendment was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that after sub-clause (*2*)(*a*) of clause 16 of the Bill, the following Explanation be inserted, viz.—

"*Explanation.*—The words 'any person' referred to in sub-clause (*a*) of this clause includes successor in interest."

Sir, clause 16 says, "during the period of possession, all right to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except as provided in sub-section (*2*)." Then sub-clause (*2*) says, "on payment of a fee at the rate fixed under section 17, the authorised person shall grant permission to use the water of the tank for irrigation purposes." Here, the words are "authorised person" and my explanation is to extend the authorised person to include his successor. So, wherever the word "person" has been used in this clause, along with that "and his successor" may be mentioned. If the Government want to give power to reserve the right of the person who used to take water from the derelict tank, then they should extend to his successor in interest, because during these 20 years that person may die and his successor will be deprived of this valuable right. So my amendment is to extend the scope of the words "any person" to include "his successor in interest." I hope the House will accept this very simple amendment.

Mr. PRESIDENT: Amendment moved that after sub-clause (*2*)(*a*) of clause 16 of the Bill, the following Explanation be inserted, viz.—

"*Explanation.*—The words 'any person' referred to in sub-clause (*a*) of this clause includes successor in interest."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Government are prepared to accept this amendment.

Mr. PRESIDENT: The question before the House is that after sub-clause (*2*) (*a*) of clause 16 of the Bill, the following Explanation be inserted, viz.—

"*Explanation.*—The words 'any person' referred to in sub-clause (*a*) of this clause includes successor in interest."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 16 as amended stand part of the Bill.

(The question was agreed to.)

Clause 17.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that for sub-clause (*2*) of clause 17 of the Bill, the following be substituted, viz.—

"(*2*) The rate of fees payable in respect of land for the irrigation of which any person had, at the time when possession was taken of the tank under this Act, no right to use the water of the tank shall be fixed so as to exceed by fifty per cent. of the rate of fees payable in respect of land for the irrigation of which a person had such a right."

Mr. PRESIDENT: Motion moved that for sub-clause (*2*) of clause 17 of the Bill, the following be substituted, viz.—

"(*2*) The rate of fees payable in respect of land for the irrigation of which any person had, at the time when possession was taken of the tank under this Act, no right to use the water of the tank shall be fixed so as to exceed by fifty per cent. of the rate of fees payable in respect of land for the irrigation of which a person had such a right."

Mr. HUMAYUN KABIR: May I suggest, Sir, that amendment No. 32 be also moved along with this, because otherwise that will become useless.

Mr. PRESIDENT: Yes, Mr. Nur Ahmed, you may move amendment No. 32.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (2) of clause 17 of the Bill, for the word "fifty" the word "twenty-five" be substituted. This clause runs as follows:—

> "The rate of fees payable by persons who at the time when possession was taken of the tank under this Act had no right to use the water of the tank for irrigation purposes, shall be fixed so as to exceed by fifty per cent. the rate of fees payable by persons who had such a right."

Sir, what I mean is that a distinction is to be made between the person who had the right to use the water of the tank and those who had no right at the time when possession was taken. Sir, I admit that there should be some distinction, but 50 per cent. in my humble opinion seems to be too exorbitant. So, I propose in my amendment to reduce it to 25.

Mr. PRESIDENT: Further amendment moved that in sub-clause (2) of clause 17 of the Bill, for the word "fifty", the word "twenty-five" be substituted.

Mr. HUMAYUN KABIR: Sir, I would suggest to the Hon'ble Minister to accept this amendment, particularly in view of the new amendment which he himself has had moved by Rai Bahadur Manmatha Nath Bose. For, formerly a distinction was made only between those who had a prior right and those who did not have a right to use the water of the tank, but the new proposed sub-clause (2) makes a distinction not only between those who had previous right and those who had no such previous right, but also in respect of the different classes of the land of the same proprietor. So, if the new sub-clause is accepted,—as very likely it will be,—even a person who has a right to use the water of the tank will have the right to use it only in respect of those portions of his land over which he had a previous right. Any other portion of his land would be in the same category as the land of a person who had no right whatsoever. So, this will in effect mean further narrowing down the class of persons who have the right to use the water of the tank at a reduced rent. Therefore, since this further restriction has been sought to be introduced at the instance of the Hon'ble Revenue Minister, I would suggest that the difference between the two rates should not be exorbitant. If it is 50 per cent., then even a person who has the right to use the water in respect of a particular plot of land would not have the right to use water of the tank in another plot of land unless he paid 50 per cent. extra. This, I think, enhances the force of the argument already advanced by Mr. Nur Ahmed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment, and I support the amendment which has been moved on my behalf by Rai Bahadur Manmatha Nath Bose. The object of my amendment is to bring it in line with the amendment which stands in my name and which has been already accepted by the House, namely, amendment No. 24. What is the position now? It is the lands which have the right to get water from particular tanks and not the owners of those lands. The right in fact goes with the land. Now those lands enjoy the right of irrigation free of any payment, but after improvement they will have to pay some fees in order to enable the authorised person to reimburse himself. So, whereas the owners of those particular plots now enjoy the right of irrigation without any payment, in future after improvement they will have to pay certain fees. Thus, it is only fair that, that right should be limited to those particular plots. We have made a distinction between the old rights and new rights. It is also very fair that lands which used to pay nothing and used to get water should be allowed to have water at a concession rate. Take for instance the owner of a particular plot of land who pays 2 annas per acre. The owner of a land which never had any such right of taking water from a particular tank should pay 4 annas——

Mr. HUMAYUN KABIR: No, 3 annas. Fifty per cent. more, so it is 3 annas.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg your pardon, it is 3 annas. Is it very unfair that the owner who had no such right should be called upon to pay 3 annas, whereas the owner of the land which used to get water without any payment should pay 2 annas? What is the justification of making a present of 25 per cent. concession to the owner of the land which never used to get any water out of the tank. That is why I oppose this amendment, Sir.

Mr. PRESIDENT: The question before the House is——

Mr. HUMAYUN KABIR: Which one will you put first, Sir?

Mr. PRESIDENT: I shall put the amendment of Rai Bahadur Manmatha Nath Bose first. If it is carried, then alone the other amendment will be relevant. If it is not carried, the second one will be useless.

Mr. HUMAYUN KABIR: I venture to submit, that will not be quite correct, Sir, because the second amendment of Mr. Nur Ahmed

will stand in any case. The second one refers to sub-clause (*2*) of clause 17 of the Bill. If, Sir Bijoy Prasad's amendment is not accepted, it will refer to the Bill clause as it stands. If this amendment is carried, then No. 32 becomes meaningless.

Mr. PRESIDENT: Yes, he has given an amendment to the main proposition and not an amendment to an amendment. So I put Mr. Nur Ahmed's amendment first.

The question before the House is that in sub-clause (*2*) of clause 17 of the Bill, for the word "fifty" the word "twenty-five" be substituted.

The House divided:—

AYES—3.

Mr. Nur Ahmed.	Mr. Humayan Kabir.
Khan Bahadur Maulvi Mohammad Ibrahim.	

NOES—20.

Khan Bahadur Naziruddin Ahmad.	Khan Sahib Subidali Molla.
Mr. Mesbahuddin Ahmed.	Khan Bahadur Ataur Rahaman.
Mr. Kader Baksh.	Mr. Mukhlesur Rahman.
Rai Bahadur Manmatha Nath Bose.	Khan Bahadur Kazi Abdur Rashid.
Khan Sahib Abdul Hamid Chowdhury.	Rai Sahib Indu Bhusan Sarker.
Mr. Khorshed Alam Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Khan Bahadur Rezzakul Haider Chowdhury.	Mr. Saileswar Singh Roy.
Mr. D. J. Cohen.	Rai Bahadur Surendra Narayan Sinha.
Khan Bahadur Alhadj Khwaja Muhammad Esmail.	Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.
Khan Bahadur Syed Mohammed Ghaziul Huq.	
Khan Bahadur Muhammad Asaf Khan.	

The motion was lost.

Mr. PRESIDENT: The question before the House is that for sub-clause (*2*) of clause 17 of the Bill the following be substituted, viz.—

"(*2*) The rate of fees payable in respect of land for the irrigation of which any person had, at the time when possession was taken of the tank under this Act, no right to use the water of the tank shall be fixed so as to exceed by fifty per cent. of the rate of fees payable in respect of land for the irrigation of which a person had such a right."

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 17 as amended stand part of the Bill.

(The question was agreed to.)

Clauses 18-20.

Mr. PRESIDENT: The question before the House is that clauses 18, 19 and 20 stand part of the Bill.

(The question was agreed to.)

Clauses 21 and 22.

Mr. PRESIDENT: The question before the House is that clauses 21 and 22 stand part of the Bill.

(The question was agreed to.)

Clause 23.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 23 of the Bill, for sub-clause (*1*), the following be substituted, viz.—

"(*1*) If at any time after the possession of a tank is restored under section 21, the tank, in the opinion of the Collector, falls into disrepair, the Collector may, of his own motion or on the application of any person interested in the tank, proceed as provided under section 3 of the Act."

Sir, my object in moving this amendment is that if the tank has fallen into disrepair—and probably it will fall into disrepair—because the man who will take charge of the tank may not be able to, or will not maintain it, because he is not going to get any fees from the persons who are really benefiting. So, he will take no interest in keeping the tank in proper order. If it again falls into disrepair, the Collector will take the same step as it was originally done. Therefore, unless this is done, all the tanks that will have been repaired will again fall into a state of disrepair.

Mr. PRESIDENT: Amendment moved: That in clause 23 of the Bill, for sub-clause (*1*), the following be substituted, viz.—

"(*1*) If at any time after the possession of a tank is restored under section 21, the tank, in the opinion of the Collector falls into disrepair, the Collector may, of his own motion or on the application of any person interested in the tank, proceed as provided under section 3 of the Act."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think that this amendment is necessary. First of all, there is a

distinction between a derelict tank and a tank which gets into disrepair after improvement. The idea is that the Collector should not wait till a tank becomes a derelict tank again. The moment he finds that the tank is getting into a state of disrepair, he will step in.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Under what clause of the Bill will he step in?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Under clause 23, Sir. Moreover, if this amendment is accepted, it will be placing a definite statutory duty on the person in possession, to whom the possession is made over. Now the Bill clause reads as follows:—

> "The persons to whom possession of a tank has been restored under section 21 and their successors in interest shall, subject to any subsisting contract, be responsible for maintaining the tank in proper condition."

So if the Khan Bahadur's amendment is accepted, that duty goes. Therefore, I oppose this amendment.

Mr. PRESIDENT: The question before the House is that in clause 23 of the Bill, for sub-clause (*1*), the following be substituted, viz:—

> "(*1*) If at any time after the possession of a tank is restored under section 21, the tank, in the opinion of the Collector falls into disrepair, the Collector may, of his own motion or on the application of any person interested in the tank, proceed as provided under section 3 of the Act."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 23 stand part of the Bill.

(The question was agreed to.)

Clause 24.

Mr. PRESIDENT: The question before the House is that clause 24 stand part of the Bill.

(The question was agreed to.)

Clause 25.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that in clause 25 of the Bill, for the words "or by any other person," the words "or among any other persons referred to in sub-section (*2*) of section 16" be substituted.

Mr. PRESIDENT: Amendment moved: That in clause 25 of the Bill, for the words "or by any other person," the words "or among any other persons referred to in sub-section (2) of section 16" be substituted.

Mr. PRESIDENT: The question before the House is that in clause 25 of the Bill, for the words "or by any other person," the words "or among any other persons referred to in sub-section (2) of section 16" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 25, as amended, stand part of the Bill.

(The question was agreed to.)

Clauses 26-29.

Mr. PRESIDENT: The question before the House is that clauses 26, 27, 28 and 29 stand part of the Bill.

(The question was agreed to.)

Clause 30.

Mr. PRESIDENT: The question before the House is that clause 30 stand part of the Bill.

(The question was agreed to.)

Clauses 31-37.

Mr. PRESIDENT: The question before the House is that clauses 31, 32, 33, 34, 35, 36 and 37 stand part of the Bill.

(The question was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tanks Improvement Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Tanks Improvement Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Tanks Improvement Bill, 1938, as settled in Council, be passed.

(The question was agreed to.)

Mr. PRESIDENT: The House will now take up the Bengal Dentists Bill, 1938.

The Bengal Dentists Bill, 1938.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that the Bengal Dentists Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Motion moved: That the Bengal Dentists Bill, 1938, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: The question before the House is that the Bengal Dentists Bill, 1938, as passed by the Assembly, be taken into consideration.

(The question was agreed to.)

Clauses 1-11.

Mr. PRESIDENT: The question before the House is that clauses 1 to 11 stand part of the Bill.

(The question was agreed to.)

Clause 12.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that in clause 12 of the Bill, in sub-clause (2), after the words "any person," the words "at least matriculate of an Indian University or any similar qualification" be inserted.

I do not think, Sir, that any speech is necesasry to explain the object of the amendment. The amendment is a very simple one. In my opinion, the Matriculation Examination of an Indian University should be the minimum standard, otherwise, the clause will have no meaning. Medicine and Surgery are after all technical subjects and no one, not well qualified academically, is expected to be able to follow

the lectures delivered in the classes and that is why I want to prescribe a minimum qualification, namely, Matriculation, for this purpose.

Mr. PRESIDENT: Amendment moved: That in clause 12 of the Bill, in sub-clause (*2*), after the words "any person," the words "at least matriculate of an Indian University or any similar qualification" be inserted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to oppose the amendment. If this amendment is carried, a large number of dentist-practitioners will be excluded from practising and that will not be desirable. At present, the number of dentists in this province is very small, and they cannot cope with the work that has to be done in this province. Therefore, if my friend wants to restrict the practice of dentistry only to matriculates, it will operate as a very great hardship to those dentists who are not matriculates, but who are still being allowed to practise and who are practising—at least some of them—very efficiently. Therefore, I think that my friend will not press the amendment, but will withdraw it.

Mr. PRESIDENT: The question before the House is that in clause 12 of the Bill, in sub-clause (*2*), after the words "any person," the words "at least matriculate of an Indian University or any similar qualification" be inserted.

(The question was negatived.)

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that to clause 12 of the Bill, the following sub-clause be added at the end, namely:—

> "(*4*) That Board may permit the registration under this Act of any person who has obtained a Certificate or Diploma after duly completing his or her course and curriculum from the City Dental College and Hospital, Calcutta."

Sir, my object in bringing forward this amendment is that in the original clause mention has been made of the Calcutta Dental College only, whereas the City Dental College and Hospital is also no less competent to train students for this particular degree. If that be so, then I think the City Dental College and Hospital should also be included. That is my object. It may be said by the Hon'ble Minister that this College is not efficient enough to train students for this degree, but I will be sorry to have to joint issue with him if he puts forward that argument. That is all I have got to say in regard to my amendment.

Mr. PRESIDENT: Amendment moved that to clause 12 of the Bill, the following sub-clause be added at the end, namely :—

"(4) The Board may permit the registration under this Act of any person who has obtained a Certificate or Diploma after duly completing his or her course and curriculum from the City Dental College and Hospital, Calcutta."

Mr. HUMAYUN KABIR: Sir, with regard to this amendment which has been moved by Rai Keshab Chandra Banerjee Bahadur, I would suggest that even though we have a great deal of sympathy with the amendment, this is not probably the proper place for moving it; because here there is mention only of general qualifications and it is the Schedule which provides with regard to particular colleges or particular types of qualifications which are necessary for registration. Here, it is only stated that the Board may permit the registration under this Act of any person who possesses any qualification of this type or of that type and so forth, and also mentions that certain persons having certain qualifications——

Mr. PRESIDENT: Order, order. Under the Rules and Standing Orders we can put it in the proper place, if it is accepted by the House.

Mr. HUMAYUN KABIR: Well, if it is shifted there, I have no objection.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have to oppose this amendment. So far as the City Dental College is concerned, my friend wants to take the responsibility upon himself to give a certificate to the City Dental College that the courses of study obtaining in that college are high enough for registering the persons who may pass out of that College. But our reports are otherwise. This City Dental College was established only a few years back and we understand, Sir, that the College has not yet attained that efficiency that is desired. And also, Sir, I may point out that under the present scheme of the legislation, no College is excluded for ever from coming under the scheme. The City Dental College is not also excluded. If on examination at any time, it is found that the courses of study in the City Dental College are high enough, then that College may be included by Government under the Schedule on the recommendation of the Board. Therefore, Sir, it will be premature to include that College in the Schedule, because I think, Sir, that will be prejudicial to Dental Surgery in this province. I hope, therefore, Sir, that this amendment will not be accepted by the House.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, on a point of personal explanation. When I moved this amendment, the question

of responsibility being taken upon myself did not arise. What I wanted to point out was this, that the standard of the Calcutta Dental College has been raised only recently, whereas——

Mr. PRESIDENT: Order, order. The hon'ble member is not entitled to a second speech. He can merely offer an explanation arising out of the speech of the Hon'ble Minister on the point of responsibility.

Mr. LALIT CHANDRA DAS: I desire, Sir, on behalf of the Congress Party, to support the motion which has been moved by Rai Bahadur Keshab Chandra Banerjee. Now, the Hon'ble Minister stated that the City Dental College and Hospital is of recent origin; but I find, Sir, that as a matter of fact this College was founded so far back as 1932. On its executive committee I find also the names of very eminent surgeons and physicians—

Dr. F. N. Desai, M.B.B.S. (Bombay), (*Vice-President*),

Dr. B. Roy, M.B. (Gold Medalist),

Mr. Mulchand Agarwalla, B.A.,

Maulana Khairul Anam Khan.

The Secretary is Dr. B. D. Gupta. There are members of the executive committee who are doctors of eminence and who are also professors of this College and give instructions to the students of this College. So, when in the Schedule Dr. Ahmed's College has been included, there is absolutely no reason why this City Dental College and Hospital should not be included also.

May I in this connection, Sir, draw your attention to another amendment of a similar nature which has been tabled by my friend Mr. Nur Ahmed. He has also wanted to correct it in the Schedule; that in the Schedule attached to the Bill, in the Indian List, in Article I, after the words "the Calcutta Dental College and Hospital," the words "and the City Dental College and Hospital, Calcutta," be added. May I, Sir, in this connection say that this portion of the amendment of my friend Mr. Nur Ahmed may also be considered.

Mr. PRESIDENT: That cannot be considered now. That will be considered at the proper time.

Mr. LALIT CHANDRA DAS: Very well, Sir. With these words, Sir, I support the amendment moved by my friend Rai Bahadur Keshab Chandra Banerjee.

Mr. KADER BAKSH: Mr. President, Sir, as our friend Mr. Das has read out the constitution of the managing committee of the City Dental College and Hospital, I find from it that a large number, why almost all of them, are people from outside Bengal. As Bengalees we cannot have any sympathy with an institution in which, except Maulana Khairul Anam Khan, all are men from outside the province. Moreover, Sir, I think that the College has not as yet attained such efficiency as to be included in the Schedule now. What is the harm if we wait for some years and see if it attains that eminence which is desirable for a College of this type.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I have no personal knowledge about the College, but from the speech of the Hon'ble Minister, I gather that the City Dental College is not efficient enough to be listed in the Schedule at the present moment. But in future, if it is found that its work is satisfactory and it has come up to the standard, it will be so done. I cannot understand what is the harm if it be placed in the Schedule and later on if it is found inefficient, then the name of the College might be struck off. With these remarks, Sir, I support the amendment of my friend Rai Bahadur Keshab Chandra Banerjee.

Mr. E. C. ORMOND: Mr. President, Sir, if I have read clauses 12 and 20 aright, I would beg leave to point out to the hon'ble members of this House that the present scheme of section 12 is that the Board may permit registration of individuals as dentists. Then, the scheme under section 20 is that the Provincial Government may after consultation with the Board alter the Schedule so as to permit the registration of institutions being made additional to the Schedule or so as to take off institutions from registration on the Schedule if they are not suitable. Therefore, Sir, the Bill as it stands fully entitles the Provincial Government, after consultation with the Board, to register the name of this particular institution. I would respectfully suggest, Sir, that to put in a separate section in the body of the Bill relating to this particular institution, putting it in a position quite different to the other institutions mentioned in the Schedule, is not the correct way of dealing with the matter. I would respectfully suggest also, Sir, that it will have the anomalous effect of making this institution capable of being registered by the Board only while the other institutions mentioned on the Schedule will require to be registered by the Provincial Government plus the Board. I would suggest, Sir, that it would be upsetting the scheme and harmony of the Act, and in this view I would suggest, Sir, that the hon'ble members of this House may vote against this particular motion and reserve their decision until the question of whether the name of this particular institution is considered by hon'ble

members of this House to be sufficiently efficient to entitle it to be included among the list of institutions mentioned on the Schedule is decided.

Mr. LALIT CHANDRA DAS: Will you support, if this is in the Schedule?

Mr. E. C. ORMOND: I am not aware of the efficiency of this College.

Mr. PRESIDENT: The question before the House is that to clause 12 of the Bill, the following sub-clause be added at the end, namely:—

"(4) The Board may permit the registration under this Act of any person who has obtained a Certificate or Diploma after duly completing his or her course and curriculum from the City Dental College and Hospital, Calcutta."

The House divided:—

AYES—13.

Rai Bahadur Keshab Chandra Banerjee.	Mr. Naresh Nath Mookerjee.
Rai Bahadur Manmatha Nath Bose.	Dr. Radha Kumud Mookerjee.
Mr. Srish Chandra Chakraverti.	Mr. Ranajit Pal Choudhury.
Mr. Lalit Chandra Das.	Rai Bahadur Radhica Bhusan Roy.
Mr. Bankim Chandra Datta.	Rai Bahadur Surendra Narayan Sinha.
Mr. Kanai Lal Goswami.	Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.
Rai Bahadur Brojendra Mohan Maitra.	

NOES—25.

Khan Bahadur Naziruddin Ahmad.	Alhadj Khan Bahadur Shaikh Muhammad Jan.
Mr. Mesbahuddin Ahmed.	Khan Bahadur M. Abdul Karim.
Mr. Kader Baksh.	Khan Bahadur Muhammad Asaf Khan.
Mr. Hamidul Huq Chowdhury.	Mr. J. McFarlane.
Khan Sahib Abdul Hamid Chowdhury.	Khan Sahib Subidali Molla.
Mr. Khorshed Alam Chowdhury.	Begum Hamida Momin.
Khan Bahadur Rezzakul Haider Chowdhury.	Mr. E. C. Ormond.
Mr. D. J. Cohen.	Khan Bahadur Ataur Rahman.
Khan Bahadur Alhadj Khwaja Muhammad Esmail.	Mr. Mukhlesur Rahman.
Mr. R. W. N. Ferguson.	Mr. Nagendra Narayan Ray.
Khan Bahadur Saiyed Muazzamuddin Hosain.	Mr. Saileswar Singh Roy.
Khan Bahadur Syed Mohammad Ghaziul Huq.	Mr. D. H. Wilmer.
Khan Bahadur Maulvi Mohammad Ibrahim.	

The amendment was lost.

Mr. PRESIDENT: The question before the House is that clauses 12 to 18 stand part of the Bill.

(The question was agreed to.)

Clause 19.

Mr. NUR AHMED: Sir, I beg to move that after clause 19 of the Bill the following new clause be inserted, viz.—

"19A. (*1*) Any local authority may, after previous publication, make by-laws prohibiting unregistered persons from practising as dental practitioners or members of the dental profession within the area subject to its authority and may in such by-law provide that any person practising in contravention of such by-law or any person abetting such practice shall be liable to a fine which may extend to fifty rupees for a first offence or to a fine which may extend to two hundred and fifty rupees for a second or subsequent offence.

(*2*) If any local authority being so required and within the time fixed by the Provincial Government, fails to frame by-laws under sub-section (*1*), the Provincial Government may, by notification, prohibit unregistered persons from practising as dental practitioners or members of the dental profession within the area. Subject to such local authority, any unregistered person practising in contravention of such notification or any person abetting such practice, shall be liable to a fine which may extend to rupees fifty for a first offence or to a fine which may extend to two hundred and fifty rupees for a second or subsequent offence.

(*3*) By-laws made under sub-section (*1*) shall be subject to confirmation by the Provincial Government and shall be published in the Gazette.

(*4*) No by-law made under sub-section (*1*) and no notification issued under sub-section (*2*) shall come into operation in any area before the expiration of two years from the commencement of this Act."

I think, Sir, this is one of the most important amendments which should be added to the Bill. I am of opinion, Sir, that persons practising as dentists in this province should be of the highest calibre and qualification.

The Hon'ble Mr. TAMIZUDDIN KHAN: I rise to a point of order, Sir. My preliminary point is this, that this amendment requires the previous sanction of the Governor, and I think that sanction has

not been obtained. I refer to section 119 (*1*) of the Government of India Act, 1935, in this connection, which says that:—

> "No Bill or amendment which prescribes, or empowers any authority to prescribe, the professional or technical qualifications which are to be requisite for any purpose in British India, or which imposes or empowers any authority to impose by reference to any professional or technical qualifications, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature, without the previous sanction of the Governor in his discretion."

Here, the amendment clearly proposes to impose a restriction on professional qualifications and practice, and as such it requires the previous sanction of the Governor.

Mr. PRESIDENT: It appears that the hon'ble member has not obtained such previous sanction.

Mr. HUMAYUN KABIR: Sir, with regard to the amendment of Mr. Nur Ahmed which wants to introduce some by-laws in the Bill brought forward by Government, I may say that the Government in bringing forward the Bill presumably obtained the sanction of the Governor as required. Therefore, the objection which is now raised by the Hon'ble Minister, if it is valid, goes against his own Bill. These by-laws which are sought to be introduced will be under the protection of the Bill. Therefore, the objection will not be valid.

Mr. PRESIDENT: Previous sanction of the Governor is required to be obtained not only with regard to a Bill but also all amendments thereto. Presumably, the hon'ble member had not got the previous sanction of His Excellency the Governor in his discretion and therefore this amendment will be out of order without such sanction.

Mr. PRESIDENT: The question before the House is that clause 19 stand part of the Bill.

(The question was agreed to.)

Clause 20.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 20 of the Bill, in lines 1 to 14, for the words commencing with "If it appears to the Provincial Government" and ending with "practice of their profession," in sub-clause (*b*), the following be substituted namely:—

"If it appears to the Provincial Government, on the report of the Board or otherwise, that—

(*a*) the standard of examinations held by any of the institutions conferring a qualification specified in the Schedule is lower than that prescribed under clause (*a*) of sub-section (*2*) of section 25, or

(*b*) the standard of examination held by any institution conferring a qualification not specified in the Schedule is equal to or higher than that prescribed under the said clause."

Sir, in moving this amendment, I desire to point out that the amendments proposed are merely drafting changes which, if accepted, would make the intention more clear. The language of clause 20, as it stands in the Bill, as passed by the Assembly, seems to be not quite in accordance with the language of clause 25. The idea underlying the Bill is that the Dental Board shall supervise and lay down the courses of study in the different institutions training candidates for practice of dentistry and that the standard of examinations to be held by the State Medical Faculty for conferring registrable qualifications shall also be determined by the Board. The proposed amendment in clause 20 has been drafted by the Legislative Department and is intended to bring out this meaning more clearly.

Mr. PRESIDENT: Amendment moved that in clause 20 of the Bill, in lines 1 to 14, for the words commencing with "If it appears to the Provincial Government" and ending with "practice of their profession," in sub-clause (*b*), the following be substituted, namely:—

"If it appears to the Provincial Government, on the report of the Board or otherwise, that—

(*a*) the standard of examinations held by any of the institutions conferring a qualification specified in the Schedule is lower than that prescribed under clause (*a*) of sub-section (*2*) of section 25, or

(*b*) the standard of examination held by any institution conferring a qualification not specified in the Schedule is equal to or higher than that prescribed under the said clause."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of information, Sir, may I know if the Government has taken previous sanction of the Governor for this amendment?

Mr. PRESIDENT: Are you speaking generally of the whole Bill or of this amendment only?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am talking about this amendment, Sir.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I submit no sanction is necessary, because section 20 itself speaks of certain qualifications, and this is amending the same qualification. Therefore, it is involved in the general section.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, Government is prepared to accept this amendment; rather it is a Government amendment, so to say. This is only a drafting change more or less, as has been pointed out by the mover of this amendment. It will make the meaning more clear. There is also one apparent discrepancy between the language of this clause and the language of clause 25. That discrepancy has been removed by this amendment.

Mr. PRESIDENT: The question before the House is that in clause 20 of the Bill, in lines 1 to 14, for the words commencing with "If it appears to the Provincial Government" and ending with "practice of their profession," in sub-clause (*b*), the following be substituted, namely:—

"If it appears to the Provincial Government, on the report of the Board or otherwise, that—

(*a*) the standard of examinations held by any of the institutions conferring a qualification specified in the Schedule is lower than that prescribed under clause (*a*) of sub-section (*2*) of section 25, or

(*b*) the standard of examination held by any institution conferring a qualification not specified in the Schedule is equal to or higher than that prescribed under the said clause."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 20 as amended stand part of the Bill.

(The question was agreed to.)

Clauses 21 and 22.

Mr. PRESIDENT: The question before the House is that clauses 21 and 22 stand part of the Bill.

(The question was agreed to.)

Clauses 23 and 24.

Mr. PRESIDENT: The question before the House is that clauses 23 and 24 stand part of the Bill.

(The question was agreed to.)

Clause 25.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in sub-clause 2(*a*) of clause 25, in line 1, for the words "and examinations", the words "and the standard of examinations" be substituted.

Sir, I may point out that this minor amendment is merely consequential to my previous motion for amending clause 20 of the Bill.

Mr. PRESIDENT: Amendment moved that in sub-clause 2(*a*) of clause 25, in line 1, for the words "and examinations" the words "and the standard of examinations" be substituted.

Mr. PRESIDENT: The question before the House is that in sub-clause 2(*a*) of clause 25, in line 1, for the words "and examinations" the words "and the standard of examinations" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 25, as amended, stand part of the Bill.

(The question was agreed to.)

Clauses 26 and 27.

Mr. PRESIDENT: The question before the House is that clauses 26 and 27 stand part of the Bill.

(The question was agreed to.)

Schedule.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in the Schedule attached to the Bill, in the Indian List, for Article 3, the following be substituted, namely:—

"3. Persons holding qualifications registrable under the Bengal Medical Act, 1914, and possessing the additional qualification of having passed a special examination for the practice of Dentistry or Dental Surgery to be held from time to time by the State Medical Faculty of Bengal in accordance with the standard prescribed by the Board for the purpose of conferring such qualification:

Provided that such additional qualification will not be required in the case of persons who at the commencement of this Act are bona fide engaged in the practice of Dentistry or Dental Surgery either separately or in conjunction with the practice of Medicine or Surgery."

Sir, I may explain that Article 3 of the Indian List of the Schedule as it exists at present provides that persons holding qualifications registrable under the Bengal Medical Act, 1914, and who at the commencement of the Act are bona fide engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine or surgery, shall be entitled to have their names entered in the Dental Register. The Bill makes no separate provision for registration in the Dental Register of registered medical practitioners who may after the commencement of the Act desire to take up Dentistry as a profession, unless they pass an examination held by the State Medical Faculty after going through the full licentiate course of Dental Surgery. Government are advised that there should be prescribed a modified course of study and a special examination for registered medical practitioners who may seek registration after the commencement of the Act for the reason that these medical practitioners have already studied and passed their examination in several of the subjects prescribed for the course of Dental Surgery and that, therefore, they need only go through a shorter and modified course of study.

The proposed amendment in Article 3 of Part I of the Schedule seeks to make provision for such cases.

Mr. PRESIDENT: Amendment moved that in the Schedule attached to the Bill, in the Indian List, for Article 3, the following be substituted, namely:—

"3. Persons holding qualifications registrable under the Bengal Medical Act, 1914, and possessing the additional qualification of having passed a special examination for the practice

of Dentistry or Dental Surgery to be held from time to time by the State Medical Faculty of Bengal in accordance with the standard prescribed by the Board for the purpose of conferring such qualification:

Provided that such additional qualification will not be required in the case of persons who at the commencement of this Act are bona fide engaged in the practice of Dentistry or Dental Surgery either separately or in conjunction with the practice of Medicine or Surgery."

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, Government is prepared to accept this amendment. This is a very necessary amendment. This refers to the registration of persons who possess qualifications registrable under the Bengal Medical Act, 1914. Now, Sir, as the Bill stands at present, those who possess qualifications under the Bengal Medical Act, 1914, if they are found to be practising Dentistry at the commencement of this Act they will be registered, but what about those medical practitioners who will pass in future and be qualified for registration under the Bengal Medical Act, 1914? There is no special provision for them under the present Bill. Therefore, this amendment seeks to provide this that so far as they are concerned, they are already doctors and for them the full course of study prescribed by the Board under the Dentist Bill will not be necessary. They will have to study a modified course and if they pass an examination under that clause, they will be qualified to be registered. I think, therefore, Sir, that this amendment will be accepted.

Mr. PRESIDENT: The question before the House is that in the Schedule attached to the Bill, in the Indian List, for article 3, the following be substituted, namely:—

"3. Persons holding qualifications registrable under the Bengal Medical Act, 1914, and possessing the additional qualification of having passed a special examination for the practice of Dentistry or Dental Surgery to be held from time to time by the State Medical Faculty of Bengal in accordance with the standard prescribed by the Board for the purpose of conferring such qualification:

Provided that such additional qualification will not be required in the case of persons who at the commencement of this Act are bona fide engaged in the practice of Dentistry or Dental Surgery either separately or in conjunction with the practice of Medicine or Surgery."

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is that the Schedule, as amended, stand part of the Bill.

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Dentists Bill, 1938, as settled in Council be passed.

Mr. PRESIDENT: Motion moved that the Bengal Dentists Bill, 1938, as settled in Council be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Dentists Bill, 1938, as settled in Council be passed.

(The question was agreed to.)

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 8th March, 1939.

Members absent:

The following members were absent from the meeting held on the 7th March, 1939:—

(1) Dr. Arabinda Barua.
(2) Sir E. C. Benthall.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Kamini Kumar Dutta.
(5) Mr. Mohammad Hossain.
(6) Maulana Muhammad Akram Khan.
(7) Mr. T. Lamb.
(8) Rai Bahadur Satis Chandra Mukherji.
(9) Mr. H. P. Poddar.
(10) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh.
(11) Mr. Sachindra Narayan Sanyal.
(12) Rai Sahib Jatindra Mohan Sen.

B. G. Press—1939-40—86A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 8th March, 1939, at 2-15 p.m., being the fifteenth day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

All-Bengal Registration Employees' Association.

88. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the All-Bengal Registration Employees' Association is a registered body under the Trade Union Act, 1926, and has been recognised by the Government as admitted by the Hon'ble Minister in charge of the Home Department in reply to a supplementary question by Mr. K. C. Roy Chowdhury, M.L.C., in the Bengal Legislative Council on the 16th August, 1937, on question No. 142 of Volume II—1937 of the Council Proceedings at page No. 351? Is it a fact that the said Association is working smoothly under the patronage of the Hon'ble the Premier of Bengal as stated in letter No. 600, dated the 30th June, 1938?

(*b*) Is it a fact that on the 22nd December, 1938, the Inspector-General of Registration, Bengal, issued a Circular to every District Registrar to threaten the members of the All-Bengal Registration Employees' Association with punishment for being members of the said Association ?

(*c*) If the answer to part (*b*) be in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the Circular No. 16179?

(*d*) If the answer to (*a*) be in the affirmative, will he kindly state why the authorities of the Registration Department are trying to abolish the said Association by threatening the members and also by carrying on propaganda against the said Association in every district?

(*e*) Is it a fact that the present District Sub-Registrar of Alipore (24-Parganas) has been engaged as a Government spy against the said Association?

(*f*) Is it a fact that one Head Clerk of Alipore and Burdwan District Sub-Registrars' office was dismissed from his service on a charge of theft? If so, what is the name of the said clerk? When was he dismissed?

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble Minister kindly state when and why he has been reinstated in his own post?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) I am informed that the All-Bengal Registration Employees' Association is a registered body under the Trade Union Act of 1926. The application of the Association for official recognition by Government is under consideration. The reply given by Hon'ble Home Minister, to a supplementary question in the Bengal Legislative Council to the effect that the Association was recognised by Government was given under a misapprehension.

(*b*) No, but a Circular was issued by the Inspector-General of Registration on that date asking for certain information wanted by Government in connection with the application of the Association for official recognition by Government.

(*c*) This question does not arise. Moreover, the Circular quoted referred to a different matter.

(*d*) I am not aware of any such threat or propaganda.

(*e*) No.

(*f*) and (*g*) No. Babu Ramakshay Bhattacharji, Head Clerk, Burdwan Sadar Registration office, formerly of Alipore office, was dismissed on the 28th July, 1936, by the Registrar on a charge of serious neglect of duties and leaving station without permission. He was reinstated with effect from the 27th April, 1937, by the Inspector-General of Registration on appeal, who, however, upheld the period of suspension for the nine months.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Chief Minister be pleased to state what was the nature of the misapprehension mentioned in paragraph (*a*) of the question?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I could not follow the question.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: My question is this: what was the nature of the misapprehension under which the Home Minister laboured when he replied that the association was recognised by Government.

The Hon'ble Mr. A. K. FAZLUL HUQ: That is given in the answer itself. The misapprehension of the Home Minister was that the association had been already recognised by Government.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Chief Minister aware that most of the Service Associations, for example, the Police Service Association, the Process Servers' Association and other Government employees' associations have been recognised by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware, Sir.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Chief Minister aware that the Heads of Departments get irritated on account of questions asked in this House?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not believe so, Sir.

High English schools and zilla schools in Rajshahi and Bogra.

89. Khan Bahadur MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there are many other high English schools besides the zilla schools in the districts of Rajshahi and Bogra?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state whether there is any difference of tuition fees between the different classes of the zilla schools and those of other Government-aided schools?

(*c*) If the answer to (*b*) be in the affirmative, are Government aware that such a difference is a great hindrance to the admission of a large number of students into the zilla schools?

(*d*) Do the Government propose to introduce the same rate of tuition fees in the zilla schools as in the other Government-aided schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) Yes.

(*c*) Government are not aware that on account of higher fee rates in the Government high schools fewer students take admission there than can be accommodated.

(*d*) Government do not propose to do so.

Hall in the Presidency College.

90. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to

state whether the Presidency College has got any hall for the purpose of holding meetings of the College Union, Debating Club, etc., of the students?

(*b*) If not, will the Hon'ble Minister be pleased to state which of the colleges in Bengal have got such halls meant for the aforesaid purposes?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No.

(*b*) With the possible exception of the Dacca Intermediate College, no Government college has a satisfactory assembly hall.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble the Chief Minister be pleased to state if it is in the contemplation of Government to remove the long-felt want of an assembly hall for the premier college of the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter is under consideration.

Illiteracy in the adult population.

91. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the percentage of illiteracy in the adult population in the rural and urban areas of Bengal?

(*b*) Is the matter of illiteracy of the present adult population engaging the attention of the Government?

(*c*) Is there any ameliorative measure in contemplation of the Government for remedying this appalling illiteracy?

(*d*) If so, what is the scheme?

(*e*) If not, do the Government intend to adopt any measure for remedying and eradicating this state of illiteracy?

(*f*) Will the Government be pleased to state whether any remedial measure is under their consideration and, if so, what is the outline of such a scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Rural areas 88 per cent. and urban areas 58 per cent.

(*b*) Yes.

(*c*) to (*f*) The Government scheme for rural reconstruction contemplates as one of its items the tackling of illiteracy for the purpose of enabling the better spread of information and instruction in the matter of rural welfare and uplift. Government have appointed a Committee to investigate the problem of improving adult education in the province and to make recommendations in the matter. The report of the Committee is awaited.

Proscription of "Pather Dabi."

92. Khan Sahib ABDUL HAMID CHOWDHURY and Mr. KAMINI KUMAR DUTTA: (*a*) Are Government aware of the only resolution passed at a huge public meeting at Albert Hall on the occasion of the first death anniversary of the great Bengali writer, Sarat Chandra Chatterji, requesting the Government of Bengal to withdraw the order of proscription of his book "Pather Dabi"?

(*b*) Are Government also aware that similar requests have been made to different provincial Governments including United Provinces and Assam for removal of the ban on the book "Pather Dabi", and is it a fact that some of the provincial Governments have already agreed to comply with the said public demand?

(*c*) Do Government propose to give effect to the said resolution? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The order in question was recently rescinded.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the question of removing proscription from other books is also being considered?

The Hon'ble Khwaja Sir NAZIMUDDIN: Without the names of the books I cannot make any statement; certainly, removal of the ban from all the books is not being considered.

Mr. RANAJIT PAL CHOWDHURY: Is removal of the ban from some books at least being considered?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. HUMAYUN KABIR: Is the removal of ban being considered in respect of the books that I asked for in my question and which I think was due to be answered on the 7th or 8th February?

The Hon'ble Khwaja Sir NAZIMUDDIN: Must be so.

The Bengal Jute Ordinance.

93. Mr. LALIT CHANDRA DAS: In view of the fact that the Bengal Jute Ordinance has been withdrawn, I do not mention my question, Sir.

His Excellency the Governor's Assent to the Bengal Repealing and Amending Bill, 1938, passed by both Chambers of the Legislature.

Mr. PRESIDENT: I may inform hon'ble members that the following Bill passed by both Chambers of the Legislature has been assented to by His Excellency the Governor of Bengal, under section 75 of the Government of India Act, 1935, namely,—

"The Bengal Repealing and Amending Bill, 1938."

The House will now discuss the Supplementary Estimate of Expenditure for 1938-39.

Discussion on the Supplementary Estimate.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, in a supplementary budget after the revised Budget, we can expect only items of expenditure of a very urgent nature which could not possibly be foreseen, and of which the payment could not be delayed. But, Sir, on looking to the statement of expenditure presented to us, I find that it is only in respect of the expenditure under the items "Famine Relief" and "Agricultural loans" and for the satisfaction of a "decree for payment to the Midnapore Zemindary Co.", that the items could be said to be of a very urgent nature which could not brook delay. But as to the other items, I say that this could be met by reappropriation from other heads as has been done in one case at least, namely, in respect of grant No. 12, where out of Rs. 82,329, Rs. 9,000 has been met by reappropriation and only Rs. 73,000 has been asked for. Sir, I do not understand why, with regard to the other items also, the same procedure could not be followed, and the expenditure could not be met by reappropriation. I will now examine in detail one or two items. For example, take the Registration Department. The item under the Registration Department is for an expenditure of Rs. 1 lakh 73 thousand, of which Rs. 1 lakh 59 thousand is voted. It is stated in the Memorandum that it is the necessary result of the amendment of section 26(c) of the Bengal Tenancy (Amendment) Act which came into force in August last, requiring Registering Officers to send notices of transfer of holdings by registered posts to every landlord and co-sharer tenant. Sir, the service of notice by registered post was also obligatory even under the old Tenancy Act, but it used to be done through the Collectors. So, I say that this item of expenditure could be met by reappropriation from the Collectorate grant under this particular head. I do not see why a definite sum of money has been asked for under this particular head.

Now coming to the "Administration of Justice"——

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have not been able to understand the point made out by the hon'ble speaker.

Mr. PRESIDENT: Will the hon'ble member please explain his point in more detail? The Hon'ble Finance Minister has not been able to appreciate his point.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All right, Sir. What I have said is that under the head "Registration", I find from the Memorandum that Rs. 1 lakh 59 thousand is necessary in order to meet the charge of sending notices by registered post to the landlords through the Registration Department; but, Sir, a charge of this same nature used to be met by the Collector even under the old law for sending notices to landlords and co-sharer tenants. So, Sir, this sum could be met by the transfer of that account from the Collectorate to the Registration Department. On the contrary, why a separate charge has been shown under the Estimate of Expenditure is not clear.

The next item is the "Administration of Justice"—Grant No. 14. Here it is stated in the Explanatory Memorandum that the promulgation of the Reserved Posts Rules by the Secretary of State in December last converted into charged expenditure the salaries of officers of the Provincial Service holding listed posts of District and Sessions Judges which was hitherto being classified as "voted"! This also could be met by reappropriation from "voted" to "charged". So, why it is shown as a reason for extra and additional expenditure, is not at all clear. On page 9, regarding grant No. 28, I think the figure is probably wrong, perhaps a misprint. In the Explanatory Memorandum, the Supplementary Budget makes a provision of Rs. 16 thousand for an electrical survey but the details given only Rs. 1,800 plus Rs. 1,000 that is, altogether Rs. 2,800. Then again, a voted provision has been made for Rs. 10,000 for the settlement of trade disputes, but the figure given in the Memorandum shows Rs. 7,200.

The Hon'ble Mr. NALINI RANJAN SARKER: What is the item number, please?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Item No. 28 on page 9. In the details given in the Explanatory Memorandum it will be found.

Coming to the details given in the Explanatory Memorandum, it is found that pay and allowances of Electrical Inspector is given as Rs. 2,800, but in the explanatory note, the Budget makes a voted provision of Rs. 16,000 for electric survey and a voted provision of Rs. 10,000 for the settlement to trade disputes. But for trade disputes, the figures of allotment at the top show a sum of Rs. 7,200, and I think

there is some mistake in printing or something like that probably. But in any case, the second could be met by reappropriation, I believe, because it has been definitely mentioned that there would be savings *per contra* under the original voted provision which could be met by reappropriation instead of being shown as separate items of expenditure.

Then, Sir, with regard to pensions, grant No. 31, page No. 12, it is not understood why this abnormal increase in the pensionary charges all of a sudden, although the resolution of the Assembly regarding compulsory retirement after 25 years' service has not been given effect to. I think, Sir, this House is entitled to get some explanation at least for this unusual and sudden abnormal increase of expenditure under this particular head.

Then, I come to item No. 34, page 14. Here also there is an abnormal increase of Rs. 1,10,000 in interest-free advances. Why? The reason is not ascribed in the explanatory note. I think, Sir, in all cases of abnormal increase under any item, the Finance Minister always makes enquiries into the cause and reason, and this House, I think, is entitled to get some indication of the reason for this abnormal and sudden rise. Sir, I have nothing else to comment on and with these few words I resume my seat.

Mr. NARESH NATH MOOKERJEE: Sir, I am really not disposed to make a speech. I merely want to make a few remarks with a view to elicit some information. The first item on which I would like some information is under the head "Loans and advances by Provincial Government" on page 15. I am not opposed to expenditure itself, Sir. On the contrary I think it is a very useful expenditure, but what I really want to find out from the Hon'ble Finance Minister is as to how this money is going to be disbursed. Is it likely to be disbursed through co-operative credit societies or indiscriminately by the Government themselves? That is what is worrying my mind at the moment. The other item, Sir, on which I think just a few remarks are necessary, is the grant under "Famine Relief" on page 10. I find, Sir, a further sum of Rs. 4½ lakhs have been budgeted for which brings it up to Rs. 6½ lakhs. I merely wish to ask the Finance Minister whether this extra money is going to be required for winding up the operations that have been necessary for giving famine relief or is he really expecting another famine during the current year. Have I made myself clear? My remarks are directed against the expenditure under "Famine Relief". I merely want to know why this extra sum of Rs. 4½ lakhs is necessary? Is it to meet certain extra expenditure that has been incurred under this head in excess of the money that was apportioned, or is it merely to provide for the extra expenditure that has been incurred for the last famine?

There is another reason, Sir, why we really wish to refrain from criticising the Budget. It is because we are afraid that in reply the Hon'ble Finance Minister generally does not reply to our criticisms, but directs his reply to persons and their actions and activities. Sir, I have nothing more to add.

Mr. BANKIM CHANDRA DATTA: Sir, before I say anything in this connection, I would like to enquire as a matter of information from the Hon'ble Finance Minister as to whether or not there is such a Committee as Public Accounts Committee, and, if so, has this Committee submitted any report about this supplementary budget?

The Hon'ble Mr. NALINI RANJAN SARKER: On this budget?

Mr. BANKIM CHANDRA DATTA: Do I understand that there is such a report, Sir?

Mr. PRESIDENT: The Public Accounts Committee's report is submitted on the appropriation reports of the Accountant-General on the accounts of the year that has closed. It is in the nature of a *post-mortem* examination of the accounts of the Government. The Accountant-General audits the accounts and the Public Accounts Committee then scrutinises the appropriation reports and comes to decisions.

The Hon'ble Mr. NALINI RANJAN SARKER: Still Mr. Mookerji says that I do not give a proper reply. They cannot frame proper questions even.

Mr. BANKIM CHANDRA DATTA: The difficulty is that the Finance Minister who possibly has devoted all his energy in that particular lines is more in the know than most of us here. In that, of course, he can take a special pride, and we cannot. Sir, I would just make a few observations in connection with the Supplementary Budget, and they are these.

I shall take only one instance, and that is in respect of the pensions and superannuation allowances. As far as my information goes, these matters are, I think, calculated long before, and I do not really understand as to why these matters could not have been dealt with in the original Budget, and why they should have waited till to-day for the Supplementary Budget.

As regards the other items, and principally about the administration of justice, my hon'ble friend the Khan Bahadur has dealt with it, and practically he has said all that I wanted to say on this subject. I do not want to repeat. Then as regards the item on Registration—a very big item—it is Rs. 1,73,000. We have been assured by the Hon'ble Finance Minister in his explanatory memorandum that the

corresponding process-fees will be realized and credited on the receipt side of the Budget. Sir, if I may submit without meaning any disrespect to the Hon'ble Finance Minister, it is nothing but a pure and simple bluff.

Then the item as regards the provision for an Electrical Surveyor and Electrical Adviser, Sir, if I remember aright, there was some talk about these matters in the last budget in connection with the imposition of a tax on electricity, and we were given to understand as far as my memory goes that some scheme would be set up by which the whole thing will be nationalised. I do not find any hint of that even in this supplementary budget.

Lastly, Sir, I would only say this that there is no provision, although I was looking for it, for more money on primary education, or, for the matter of that, on public health. Public health accounts for only Rs. 3,000, whereas in matters of general administration and administration of justice, we spend, somewhere near in addition 2 lakhs of rupees. As it fell from you, Sir, we are here really doing *post-mortem* examination of funds, and therefore I need not, I think, take the time of this House and unnecessarily waste my breath.

Mr. HUMAYUN KABIR: Mr. President, Sir, there are not many points in this budget which deserve notice, because as the explanatory memoranda state more than once, most of the items relate only to accounting changes. Monies have been transferred from the charged account to the voted account or *vice versa*. Most of the Budget therefore does not deserve any new comment, and the remarks which we have applied to the Budget last year would apply here again. But there is one particular point about which I would like a little information. In grant No. 30 on page 10, we find 4 lakhs of rupees as the amount which is to be voted for gratuitous relief and under the head "Miscellaneous", we find a figure of Rs. 2½ lakhs. Are we to understand that 2½ lakhs of rupees will be spent in order to distribute Rs. 4 lakhs, or what is the particular purpose for which this 2½ lakhs of rupees are meant? Is it meant for merely travelling allowances and other incidental expenses of the officers who will be spending 4 lakhs of rupees? But, Sir, I do not wish to proceed much further with the criticism of the Budget and specially so on account of the reason which my hon'ble friend Mr. Naresh Nath Mookerjee has mentioned. For, in this House we have been accustomed to criticise the Budget on the proposals which have been made. The Budget proposals have been the object of our criticism, but for three consecutive years we have found that instead of replying to the arguments, instead of meeting the criticisms and objections which have been advanced from this side of the House, the Hon'ble Finance Minister has devoted himself to a personal attack and, in many cases unjustified personal attacks on particular members. I think, Sir, most of the members of the House will

agree that that has been the case particularly with regard to me. For three consecutive years, instead of replying to criticisms which I have made, he has made personal attacks and this time he has descended to depths which I did not expect from the Hon'ble Finance Minister. We in this House are accustomed to certain standards of taste, we in this House are accustomed to a certain dignity in discussion, and we do not descend to personalities. I would make only this remark that if people wanted to descend to personalities, perhaps the Hon'ble Finance Minister in his personal and public life is more open to attack than almost any other man that I know in Bengal. I do not want to pursue that point any further——

Mr. PRESIDENT: Order, order. These matters are not at all relevant on the occasion of the discussion of the Supplementary Budget.

Mr. HUMAYUN KABIR: Sir, in the Budget, the general policy of the Government is enunicated, and I propose to develop my speech in such a manner as to make the remarks just now made by me relevant to the general discussion on the Supplementary Budget Estimates.

Mr. PRESIDENT. Order, order. In a discussion on the Supplementary Budget, members cannot, strictly speaking, be permitted to criticise the general policy of the Government. A supplementary budget is presented to the Legislature only on the happening of two contingencies, viz., (1) when the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, (2) when a need arises during the current year for expenditure for which the vote of the House is necessary upon some new service not contemplated in the budget for that year.

It will thus be seen that during the discussion of a supplementary budget there is no occasion for a general discussion of the policy of the Government. Members of the Council are fully entitled to say that such and such demands are not necessary, and in the Lower House the members can even move for a cut or omission of any item of demand.

Mr. HUMAYUN KABIR: Sir, I had intended to speak about retrenchment, which is the particular bogey of the Hon'ble Finance Minister, but since a general discussion is not to be permitted, I shall not pursue the subject any further.

Mr. LALIT CHANDRA DAS: Sir, I would make only a few observations with regard to the "Administration of Justice"—Grant No. 14 on page 4. In the Explanatory Memorandum, it has been stated that the excess under the first head is due to the fact that two Additional Judges of the High Court will have to be retained till the

end of the year and will not be discharged at the end of August as was anticipated. Now, Sir, what strikes me in this connection is that cases throughout the province have fallen off in number and as we know, all High Court cases generally come from the mufassil. So, taking all facts into consideration, namely, the dearth of cases, I do not understand why is it that the two Additional Judges of the High Court could not finish the work by the end of August, so that it will now be necessary for their services to be continued till the end of December.

Then, again, there is an item (No. 2) in the same grant—appointment of a larger number of charged officers as District and Additional District Judges; my remarks on this item also are the same. We know as a matter of fact that civil as well as criminal cases have largely fallen off in the mufassil, and still we find that the number of District and Additional District Judges are going to be increased in large numbers, necessitating a grant of as much as Rs. 99 thousand. This seems to me, Sir, to be abnormal, and a proper and strict supervision of the affairs could have prevented the appointment of such a large number of charged officers to be designated as District and Additional District Judges. In fact, this work could very well have been done by Subordinate Judges being given certain powers and by Senior Deputy Magistrates also being given certain powers. So, I think the demand under this head—Pay of officers—District and Sessions Judges (charged)—to the tune of Rs. 99 thousand seems to be a bit too high. I would now refer the Hon'ble Minister to another item and that is with regard to grant No. 27. There, a demand has been made, no doubt, for a very laudable object, namely, cinchona, where it is intended by Government to supply larger quantities of cinchona to the people of Bengal, and from this it appears that a sum of Rs. 15 thousand has been demanded on account of consequent increased production at the factory and speeding up of operations in the new cinchona plantations at Rongo. What I desire to know is whether this amount represents the value of seeds to be purchased, and if those seeds are to be purchased, wherefrom they are to be purchased. If the seeds are not available there, cannot seeds be produced in the Darjeeling side? What is necessary for me to enquire is whether this sum is meant for purchase of foreign seeds and whether indigenous seeds are not available.

Then, Sir, one other matter that I would like to know about is regarding grant No. 31, in which there is a demand amounting to Rs. 1 lakh 50 thousand for other pensions voted, which is due to an unexpectedly large number of applications for commutation of pension. What I desire to know is whether this right of commutation of pension cannot be restricted. If this is possible this should be done. I have nothing more to add, Sir.

Dr. RADHA KUMUD MOOKERJI: Sir, I only want to raise a point of procedure and method about presenting the accounts which I cannot completely follow. I want to know how the Hon'ble Finance Minister will be able to show the net amount of the burden that is being thrown upon the province by this Supplementary Estimate. I find that there are many adjustments of accounts needed, for instance, some accounts have been transferred from "charged" to the votable side, and from votable side to the "charged" side. There will be reappropriations also. Then, some recoveries of expenses which are sanctioned now will also be expected, but I do not know when the Finance Minister will have opportunity to show us the amount of the net burden that is being proposed by the Supplementary Estimate. I say this, Sir, more or less as an ignoramus, because I am a man quite unacquainted with the intricacies of accounting and methods of accounting that are pursued by this Government. It seems to me that on the occasion of discussion of the Supplementary Estimate, the House should know the exact net demand and not merely the accounts of expenditure that have to be sanctioned.

Rai Sahib INDU BHUSAN SARKER: Mr. President, Sir, in the Supplementary Estimate for 1938-39 which the Finance Minister yesterday presented to this House, there is nothing which attracts serious attention, but I would like to refer to one or two items. With regard to grant No. 11, namely, "Interest on ordinary debt", I find that from a sum of Rs. 4 thousand it has come up to Rs. 46 thousand. May I know the reason of this unexpected increase, especially under decrees of courts, as it is stated in the Memorandum? I do not also follow what is meant by payment of interest on revenue refunded, Then as regards grant No. 12—"General Administration", may I know to what extent, pecuniary or otherwise, the Government is going to be a loser in that suit? Then regarding grant No. 27—Industries—Cinchona, what is the anticipated income from the new cinchona plantations at Rango? Last of all, I will speak on grant No. 30—Famine Relief. If one looks to the Revised Budget Estimate for the year 1938-39, it will be found that Gratuitous Relief accounts for Rs. 5 lakhs, Miscellaneous for Rs. 2 lakhs 98 thousand, Famine Relief Rs. 10 lakhs, and Salaries, etc., Rs. 2,000, that is a total of Rs. 18 lakhs was shown in the Revised Budget, but in the Supplementary Estimate, Gratuitous Relief gets Rs. 4 lakhs, Miscellaneous Rs. 2 lakhs 50 thousand. The total is Rs. 6 lakhs 50 thousand, which together with the normal provision of Rs. 2 lakhs comes to Rs. 8 lakhs 50 thousand. Will the Finance Minister be pleased to enlighten us why this lesser provision? Will this lesser provision of Rs. 10 lakhs be transferred to the Famine Relief Fund and be carried over to the next year? May we know what is the amount that has been spent up to December last year or to January last year on this head? These are all that I have to say.

Mr. NUR AHMED: Mr. President, Sir, I shall make only a few remarks on the Supplementary Estimate presented before the House by the Hon'ble Finance Minister. After going through the Budget Estimate one cannot but congratulate the Finance Minister for this very satisfactory Revised Estimate. He has provided about Rs. 24½ lakhs really for the poor, and it can be said that the Ministry has not lost a minute in saving human lives out of the calamitous flood in which all districts of Bengal were affected. Really, Sir, the Ministry deserves the congratulation of this House. The extra expenditure which is really a transfer from one head to another requires very little comment. With these words, Sir, I congratulate the Finance Minister for his very satisfactory Budget Estimate.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: বাজেটটা খুব ছোট। কাজেই এর সম্বন্ধে লম্বা বক্তৃতা করার আবশ্যকতা কিছু দেখিনা, বরং বক্তৃতাও বাজেট অনুযায়ী খুব ছোট হওয়া উচিত। আমি শুধু ১৩ পাতের ৩৩নং দাবী সম্বন্ধে বোলছি। এখানে দেখছি যে special officer —, এই special officer নিযুক্ত করা একটা দৈনন্দিন ব্যাপারে পরিণত হয়েছে, দেখতে পাচ্ছি——*

Mr. PRESIDENT: Order, order. খান বাহাদুর আপনি আগে বুঝে নিন বিষয়টা কি। বার্ষিক বাজেট যখন করা হয়, তার সঙ্গে এটা অতিরিক্ত বাজেট। বার্ষিক বাজেটে যদি টাকাটা সংকুলান না হয়, তাহলে একটা অতিরিক্ত বাজেট করা হয়। এখানে কেন টাকাটা দেওয়া হচ্ছে সে সম্বন্ধে যদি আপনার আপত্তি থাকে কেবল তাহলেই আপনি বোলতে পারেন।*

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: যাক, এ বাজেট সম্বন্ধে আমি নিঃসন্দেহে এই কথা বোলতে পারি, যে এ বাজেট আর কিছু হোক আর না হোক, এর ছাপা এবং কাগজ বড়ই সুন্দর হয়েছে। এর ভিতর আর কিছু থাক আর নাই থাক, তাতে কিছু এসে যায় না। (laughter.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, everybody knows what a Supplementary Budget is. Supplementary Budget is provided for under section 81 of the Government of India Act, 1935. If there is an anticipation of some excess of expenditure during the year, it is met by a supplementary budget. First of all, I want to apologise to my friend Professor Kabir that I tried to hit him back in reply to his hitting at me. As Finance Minister, my duty ought to be rather to accept a hit and not to hit back. If I have given my friend any offence, I hope he will excuse me, but I still maintain that his charges against my budgets are absolutely baseless. I could not in the time at my disposal meet the charges of all the members of this House for which I must apologise, but so far as Mr. Kabir is concerned, during the last three budgets that I have presented to this House,

*Authorised English translations of these Bengali extracts will be found in the Appendix.

whatever criticisms—I mean general criticisms—were made by him, I have tried my best to reply to him. Sir, Professor Kabir has said that retrenchment is my bogey. Sir, retrenchment is certainly not my bogey. If any member honestly reads my Budget speech and statement, he will find that retrenchment is not a bogey with me. On the other hand, I want to put a stop to the bogey raised by my friend, Professor Kabir, who has always insisted on retrenchment without, I think, understanding how retrenchment can be effected. Sir, I am prepared to put before you all my Budget Statements and my replies to the criticisms made against them and also Mr. Kabir's charges against my budgets. If you are satisfied that I avoided the issue, that I have not given replies to his criticisms, then I shall certainly hang down my head in shame.

Sir, this is the sort of questions I have to answer. A man in the position of the Deputy Leader,—I think he is continuing still—of the Congress Party, Congress which is the most prominent political organization in the country, says that my statement that the process-fees will be realized is a pure bluff.

Mr. LALIT CHANDRA DAS: Who is the Deputy Leader?

The Hon'ble Mr. NALINI RANJAN SARKER: I mean Mr. Bankim Chandra Dutt.

Mr. LALIT CHANDRA DAS: No, there is no Deputy Leader.

The Hon'ble Mr. NALINI RANJAN SARKER: I am sorry, Sir, if that is so. I have stated that the corresponding process-fees will be realized and credited on the credit side of the Budget. The Finance Minister is making a statement and some leading member of the Opposition says that it is a pure bluff. Still, Mr. Naresh Nath Mookerjee will say that I should not make any personal attack.

Sir, I quote the notice by which we realise these process-fees. "For service of notice under sub-section (*5*) of section 26(*c*) of the Act the process-fees shall be eight annas for each copy of the notice which is to be posted to separate persons. This process-fee would be paid in court-fees stamp." Sir, how have I bluffed the Council, and that we do not realize the process-fees?

There is another difficulty and I quite appreciate it. We are all new in ths line, so we might commit mistakes. Many of the criticisms are made without understanding the position. Sir, my friend the Khan Bahadur said, process-fee was necessary previous to the passing of the Bengal Tenancy (Amendment) Act, and why an increased sum will be necessary now. I quite agree, but the fact is that it was provided under "General Administration", because Collectors used to

send those notices. Now, Sub-Registrars and Registrars send these notices. Though this must be provided in the Registration Budget, you cannot appropriate the item of the fee from General Administration to Registraton Heads, because from one major head to another major head, you cannot reappropriate. That is why it is necessary to take your sanction in reappropriating all these amounts.

Then, Sir, I was asked by the Khan Bahadur why Rs. 1,52,000 are provided for commutation of pensions. The reason is this. Under the rules——

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I did not comment on that. I said about pensionary charges and not about commutation—page 12.

The Hon'ble Mr. NALINI RANJAN SARKER: Under the Secretary of State rules there are certain officers who can claim commutation as a matter of right, and a large number of such persons have applied. So, I cannot regulate them. We can provide at our pleasure for commutation of pensions only for those who are paid at our discretion. For this purpose, this year we have provided 2 lakhs of rupees. Those who will get commutation of pension at our discretion must be satisfied within this 2 lakhs of rupees, but so far those officers who can get commutation as a matter of right under the Secretary of State rules, must be satisfied as soon as they make this claim. Hence, we could not anticipate that so many people will apply for commutation of pensions.

Then, my friend Professor Kabir has asked whether the Rs. 2,50,000 under grant No. 30 is for travelling allowance. It is not for travelling alowance; it is for test relief work. Four lakhs have been provided for gratuitous relief and Rs. 2,50,000 have been provided for test relief work. Then, with regard to item No. 28, that also is a voted amount and cannot be transferred to charged head. If there is any increase in the charged head, it must be placed before the Council to get it reappropriated. That is why we have placed grant No. 28 again before you.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is there any misprint in the explanatory memorandum—page 9?

The Hon'ble Mr. NALINI RANJAN SARKER: The Electrical Adviser and the Chief Electrical Inspector have been placed in charge of the survey and a Senior District Judge has been deputed for the settlement of trade disputes. Pay and allowance of both these officers are charged, and a charged appropriation is required.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But the figure is Rs. 16,000, whereas the figure given at the top is Rs. 2,800.

The Hon'ble Mr. NALINI RANJAN SARKER: The Budget makes a voted provision of Rs. 16,000 for an electrical survey and a voted provision of Rs. 10,000 for the settlement of trade disputes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But the figures at the top are Rs. 2,800 and Rs. 7,200; and so there is a discrepancy.

The Hon'ble Mr. NALINI RANJAN SARKER: The provisions for Rs. 16,000 and Rs. 10,000 are lump provisions. So much money will not be required. It was provided as a lump sum in the Budget, but when the expenditure was incurred, we found that so much money was not necessary during the year.

Mr. Lalit Chandra Das asked why there has been so much increase in the District and Sessions Judges when the number of cases have gone down. It is not an increase in the appointment. The Secretary of State has promulgated a rule for reserved posts which he has taken under his control. They are listed posts. So, all these appointments must now be shown as a charged item and not as a voted item as it was done previously. So far as the High Court is concerned, I am sure the Chief Justice has made out a good case to the Judicial Department. I do not exactly know the full facts of the case, but we are satisfied that for some special work and in view of the number of cases, those judges were required.

About the cinchona plantations, some of my friends asked whether it is for the purchase of seeds or not. I do not remember whether it was for seeds, but I know that it is for extension of cinchona cultivation. Rs. 15,000 were required this year, for we are undertaking a great increase in the cinchona cultivation for the purpose of making provision for more use of quinine. Rs. 16,000 will be necessary this year.

Mr. LALIT CHANDRA DAS: From where it is purchased?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know. I remember that case, and I passed it on to the proper department.

Mr. Naresh Nath Mookerjee asked how Rs. 18 lakhs under grant No. 35 is spent. It is spent under our general rule dealing with agricultural loans. District Magistrates give this loan, and we get it realized through the same organization, and not through the Co-operative Credit Societies. Sir, I think I have replied to all the questions that have been put here.

Rai Sahib INDU BHUSAN SARKER: Sir, I would like to be enlightened as regards the famine relief grant No. 30, page 10. There, a provision of Rs. 6,30,000 has been made with an annual grant of Rs. 2,00,000 making a total of Rs. 8,50,000. But in the revised Budget, it was Rs. 18,02,000.

The Hon'ble Mr. NALINI RANJAN SARKER: It is not a revised budget.

Rai Sahib INDU BHUSAN SARKER: In the revised Budget for 1938-39 which was presented in August last, it was Rs. 18,02,000. This item was shown as—Gratuitous relief, Rs. 5 lakhs, Miscellaneous Rs. 2,98,000, transferred to famine relief fund Rs. 10 lakhs, salaries, etc., Rs. 2,000 making a total of Rs. 18,02,000, and here we find a sum of Rs. 8,50,000 including Rs. 2 lakhs.

The Hon'ble Mr. NALINI RANJAN SARKER: We do not say we have exhausted the famine relief fund altogether.

Rai Sahib INDU BHUSAN SARKER: I cannot follow, Sir.

The Hon'ble Mr. NALINI RANJAN SARKER: I say, if we have put in something in the famine relief fund, we have not exhausted the whole thing yet.

Rai Sahib INDU BHUSAN SARKER: That will be carried over to next year. That is what I was asking you.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

Rai Sahib INDU BHUSAN SARKER: Then as regards cinchona, the expenditure is remunerative as the explanatory memorandum shows. May we know if the anticipated income can be assured?

The Hon'ble Mr. NALINI RANJAN SARKER: I can't say it now.

Rai Sahib INDU BHUSAN SARKER: "Interest on revenue refunded"—what is meant by that—Page 2, grant No. 11?

The Hon'ble Mr. NALINI RANJAN SARKER: It is explained in the explanatory memorandum that when amounts are refunded, interest had to be paid; for instance in the Midnapore Zamindari case, certain amount was decreed against us and when we had to pay we paid with interest.

Rai Sahib INDU BHUSAN SARKER: Decree against the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes. If the hon'ble member wants more information he will please come to my room. It is not possible for me here to answer all these.

Dr. RADHA KUMUD MOOKERJI: May I have an idea of the probable amount of the net demand?

The Hon'ble Mr. NALINI RANJAN SARKER: I am sorry, I forgot to reply to this.

The net amount will be shown when the revised estimate will be made. It is not possible to say exactly the net amount that is available charged to the revenues of the province. That would be made out next year when the actuals are put before the Council at the time of the presentation of the Budget Estimates.

Dr. RADHA KUMUD MOOKERJI: My point was that you ask us to sanction additional expenditure. But at the same time, the ground for this kind of sanction is that you expect certain refunds and recoveries from other sources. So it will be better for us if we are shown both sides of the account, the credit and debit side of the estimate.

The Hon'ble Mr. NALINI RANJAN SARKER: The intention of the Supplementary Budget is only to show the extra expenditure necessary. The entire position of revenue and expenditure was shown at the time of the Budget presentation. Nowhere I have seen that at the time of the Supplementary Budget, revenue position has to be shown.

Dr. RADHA KUMUD MOOKERJI: My point was you might have this innovation, because we feel it rather difficult to understand all aspects of expenditure.

Mr. PRESIDENT: I would ask the Government if it is not possible to make the Explanatory Memoranda appended to the Supplementary Budget a little more elaborate, so that the time of the House may be saved by eliminating criticisms which are not really necessary. I also think that it would be better if hon'ble members could see their way to meet the Hon'ble Finance Minister in his chamber and get any further explanation from him that they may think necessary. In that way, much of the inconvenience felt by the hon'ble members in understanding the implications of the Budget provisions may be

avoided. I find that there is a grave misapprehension even in the minds of many hon'ble members as to the procedure followed on such occasions. As I have already explained, a Supplementary Budget is, in fact, an additional budget; it is only an addition to the annual Budget that had been placed before the Lower House and sanctioned by it. In those cases where in the process of implementing a policy which has already been accepted by the House, estimates previously sanctioned are exceeded, or where the need for a new service arises owing to an emergency cropping up, the Government have got to come up to the Legislature for the sanction of additional grants. As the Hon'ble Finance Minister has explained, there are some cases where difficulties arise in making up the Budget accounts when the Budget is originally presented. For example, some appropriations are allowed under major heads, and some appropriations are not allowed. These are mere accounting adjustments which were not possible for the Finance Minister to indicate at the time when the Budget Estimates were presented originally in February last year. However, I expect that the Finance Minister in preparing the Explanatory Memoranda for his future Supplementary Budgets will be a little more elaborate, so that misapprehensions might not arise in the minds of the hon'ble members.

I now adjourn the House till 2-15 p.m. on Friday, the 10th March, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 10th March, 1939.

Members absent.

The following members were absent from the meeting held on the 8th March, 1939:—

(1) Sir E. C. Benthall.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur S. Fazal Ellahi.
(5) Mr. R. W. N. Ferguson.
(6) Nawabzada Kamruddin Haider.
(7) Mr. Mohammad Hossain.
(8) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(9) Mr. T. Lamb.
(10) Mr. J. McFarlane.
(11) Rai Bahadur Satis Chandra Mukherji.
(12) Mr. H. P. Poddar.
(13) Maharaja Sir Manmatha Nath Ray Chowdhury.

B. G. Press—1939-40—69A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 10th March, 1939, at 2-15 p.m., being the sixteenth day of the First Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Reference to Sir Evan Cotton's Death.

Mr. PRESIDENT: Before the business on the Order Paper for the day is taken up, I have to mention to the hon'ble members the melancholy news of the death of Sir Evan Cotton who held the office of the President of the Bengal Legislative Council from 1922—1925, after the inauguration of the Montague-Chelmsford Reforms. The Cotton family was intimately known to the people of Bengal long before Sir Evan Cotton was called upon to fill this important post. The name of his father, Sir Henry Cotton, who came out to Bengal as a member of the Indian Civil Service, was one to conjure with among the political circles of Bengal, nay the whole of India, in the beginning of the 20th century. It may be news to many of the hon'ble members that Sir Evan was born at Midnapore in 1868 when his father was placed in charge of that district.

Sir Evan Cotton had a distinguished career. He was educated at Sherborne and Jesus College, Oxford, and while there he distinguished himself as the Scholar-Secretary of the Oxford Union Society. Called to the Bar at Lincoln's Inn in January, 1893, he practised at the Calcutta High Court for 13 years. He was a member of the Calcutta Corporation from 1900 to 1906 when he returned to England. While in England, Sir Evan began to take interest in British politics. He was elected an M.P. (Liberal) for East Finsbury in 1918 and sat in Westminster till 1922 when he returned to India to become the President of the Bengal Legislative Council. Sir Evan was vastly learned in the rules and technique of the British Parliamentary procedure and he was specially selected to fill the post of the President of the Bengal Legislative Council in order to lay the foundation of correct parliamentary practice and procedure for the future guidance of the Bengal Legislative Council which under the Montford Reforms came to be constituted with a larger element of elected representatives of the people and also invested with wider powers over the administration of the province than under the Minto-Morley Reforms. I had the privilege of seeing Sir Evan at work in the capacity of the President

of the Bengal Legislative Council from a close range, as I happened to be an elected member of the Council during this period and I can testify from personal knowledge to his wonderful grasp of correct parliamentary procedure and also to his keen desire to develop a series of healthy parliamentary conventions for future guidance in this sphere.

There was yet another sphere of activities in which his contribution would be remembered for ever. I refer to his labours in the cause of historical research. The rejuvenation of the Calcutta Historical Society was attributable, in no small measure, to his enthusiasm and energy. Under his editorship, "Bengal—Past and Present" developed into a first-class journal of historical research and study. Sir Evan was one of the best living authorities on "Old Calcutta", his researches in this connection being incorporated in the book entitled "Calcutta—Old and New"—which he had compiled.

Sir Evan Cotton is survived by his widow and daughter and I am sure the Council will desire that we should send the members of the bereaved family our heartfelt condolences on this occasion.

As a mark of respect to the memory of the deceased, I would request the hon'ble members to rise in their seats.

(Member rose in their seats as a mark of respect.)

Mr. PRESIDENT: Thank you, ladies and gentlemen. Questions and answers will now be taken up

QUESTIONS AND ANSWERS

Transfer of employees under the District Sub-Registrar's Office.

93. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table the copy of the letter No. 9909-15 of the District Sub-Registrar of Alipore, 24-Parganas, issued on the 21st October, 1938?

(*b*) Will the Hon'ble Minister be pleased to state whether some employees of the rural Sub-Registry Offices under the District Sub-Registrar of 24-Parganas are transferred from one office to another without payment of any travelling allowance?

(*c*) If so, will the Hon'ble Minister be pleased to lay on the table the statement showing the names of each clerk and *muharrir* in the 24-Parganas offices of the Registration Department who had been transferred during the last five months from August to December, 1938, to the office of Cossipore-Dum-Dum, Barrackpore, Kakdwip, Baruipur, Matla, Budge-Budge, Sealdah, Behala and Deganga?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) A copy of the statement is placed on the table.

(*b*) When such transfer is made at the request of the employee and not in the public interest, travelling allowance is not generally allowed.

(*c*) A statement is placed on the table. No transfer was made during the period in the Budge-Budge office.

Statement referred to in the reply to clause (a) of question No. 93.

ORDER.

1. Munshi Kazi Abdul Hai, *muharrir* of Baduria Sub-Registry Office, is hereby transferred to Habra Sub-Registry Office *vice* Babu Chunilal Mandal transferred to Behala Office.

2. Babu Chunilal Mandal, *muharrir* of Habra Sub-Registry Office, is transferred to Behala Sub-Registry Office *vice* Munshi Jamayet Ali transferred to Cossipore-Dum-Dum Office.

3. Munshi Jamayet Ali, *muharrir* of Behala Sub-Registry Office, is transferred to Cossipore-Dum-Dum Sub-Registry Office *vice* Munshi A. K. M. Fazlul Karim, *muharrir*, transferred to Kakdwip Office.

4. Munshi A. K. M. Fazlul Karim, *muharrir* of Cossipore-Dum-Dum Sub-Registry Office, is transferred to Kakdwip Sub-Registry Office *vice* Babu Prafulla Kumar Ghosh, *muharrir*, transferred to Baduria Office.

5. Babu Prafulla Kumar Ghosh, *muharrir* of Kakdwip Sub-Registry Office, is transferred to Baduria Sub-Registry Office *vice* Munshi Kazi Abdul Hai, *muharrir*, transferred to Habra Office.

6. Babu Protap Chandra Ghosh, *muharrir* of Baruipur Sub-Registry Office, is transferred to Matla Sub-Registry Office *vice* Babu Bhupendra Nath Banarji, *muharrir*, transferred to Baruipur Office.

7. Babu Bhupendra Nath Banarji, *muharrir* of Matla Sub-Registry Office, is transferred to Baruipur Sub-Registry Office *vice* Babu Protap Chandra Ghosh, *muharrir*, transferred to Matla Office.

As the transfers of Nos. 1, 4 and 6 are made as a disciplinary measure and those of Nos. 2, 3, 5 and 7 at requests, none of the *muharrirs* will be entitled to any travelling allowance from Government.

Sd. S. BANARJI,

for *Registrar*.

Memo. No. 9909-15, Alipore, the 21st October, 1938.

Copy forwarded to the Sub-Registrar of (Sub-Registrars concerned) for information * *

Sd. S. BANARJI,
for *Registrar.*

Statement referred to in the reply to clause (c) of question No. 93 showing the names of the clerks and muharrirs who were transferred during the period from August to December, 1938, in the offices at Cossipore-Dum-Dum, Barrackpore, Kakdwip, Baruipur, Matla, Sealdah, Behala and Deganga.

1. Munshi Jasimuddin Ahmad, clerk, from Cossipore-Dum-Dum Office to Deganga Office.

2. Munshi A. K. M. Fazlul Karim, *muharrir*, from Cossipore-Dum-Dum Office to Kakdwip Office.

3. Babu Baidya Nath Biswas, clerk, from Barrackpore Office to Sealdah Office.

4. Munshi Mir Muhammad Ali, *muharrir*, from Sadar Office to act as clerk of Barrackpore.

5. Babu Prafulla Kumar Ghosh, *muharrir*, from Kakdwip Office to Baduria Office.

6. Babu Pratap Chandra Ghosh, *muharrir*, from Baruipur Office to Matla.

7. Babu Bhupendra Nath Banarji, *muharrir*, from Matla Office to Baruipur.

8. Babu Satish Chandra Chatterji, clerk, Sealdah Sub-Registry Office, appointed temporarily to act as clerk in the Sadar Joint Sub-Registry Office at Alipore.

9. Babu Chunilal Mandal, *muharrir*, from Habra to Behala Office.

10. Munshi Jamayet Ali, *muharrir*, from Behala to Cossipore-Dum-Dum Office.

11. Munshi Ershad Hossain, clerk, from Deganga Sub-Registry Office to Cossipore-Dum-Dum.

Accommodation for the Students' Union, etc., of the Presidency College.

94. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether it is a fact that there are about 1,000 students in the Presidency College;

(*b*) whether there are College Union, Debating Society and several other such institutions in the college for the welfare of the students;

(*c*) whether it is a fact that when important functions of those institutions are held, nearly three-fourths of the students are unable to join in such functions owing to want of proper accommodation in the college for holding such functions; and

(*d*) whether it is a fact that such functions at present are held in the Physics Theatre of the college and, if so, whether the said Theatre has the maximum capacity of holding only about 200 students?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes, on an average.

(*b*) Yes.

(*c*) Yes, about two-thirds are unable to join; but when there are guests, about three-fourths cannot be accommodated.

(*d*) Yes. The Physics Theatre has the maximum capacity of about 300.

95. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether an estimate was ever made for the construction of a hall for holding meetings of the College Union, Debating Club, etc., of the students of the Presidency College?

(*b*) If so, was such estimate sanctioned by Government? If not, why not?

(*c*) Do the Government now propose to provide a sufficient sum in their next budget for the construction of a Hall to accommodate at least 1,000 students? If not, why not?

(*d*) Is the Hon'ble Minister aware of the strong feeling of resentment among the students for the Government's apathy towards the construction of such a hall for the students of this college?

(*e*) If not, does he propose to enquire into the matter?

(*f*) If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) No, as a revision of the scheme was found necessary.

(*c*) A revised scheme is being matured and, on approval by Government, will be financed in due course.

(*d*) No, but I am aware that there is need for more accommodation.

(*e*) and (*f*) Do not arise.

General health of the students.

96. Khan Bahadur Maulvi MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the general health (specially eye-sight) of the majority of the students is deteriorating?

(*b*) If the answer to (*a*) be in the affirmative, do the Government propose to take any steps to remove the causes thereof?

(*c*) If the answer to part (*b*) be in the affirmative, are the Government prepared to bear the expenses required for removing those causes from the provincial revenues?

(*d*) Do the Government propose to take steps to remedy those evils at an early date?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) and (*c*) Yes.

(*b*) Government have already taken steps.

(*d*) Rs. 2,50,000 has already been allotted under the Youth Welfare Scheme, for the improvement of the health and physical welfare of young people. This sum will be repeated in 1939-40. Of the sum, Rs. 1,50,000 is recurring, and Government are considering the question of increasing this recurring grant.

The students of the Rajshahi Collegiate School.

97. Khan Bahadur Maulvi MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the students of the Rajshahi Collegiate School are undergoing great inconvenience owing to the want of a Common Room?

(*b*) If the answer to (*a*) be in the affirmative, what steps have been taken by the Government to ameliorate their hardships?

(*c*) Is there any proposal regarding the above Common Room pending? If so, when and by what actual time will it materialise?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) The construction of three additional rooms and a Hall for the Rajshahi Collegiate School is under consideration.

(*c*) Yes. As soon as the scheme is matured and approved and funds to finance it become available.

The All-Bengal Registration Employees' Association.

98. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Secretary, Education Department, has received letters, dated the 1st June, 1938, 16th September, 1938, 5th December, 1938, 9th December, 1938, 21st December, 1938, 22nd December, 1938, 3rd January, 1939, 4th January, 1939, 21st January, 1939, and 21st January, 1939, respectively, from the All-Bengal Registration Employees' Association; and is it a fact that the said Association is a registered body under the Indian Trade Union Act, 1926, and has been recognised by the Government as stated in the answer to the Council question No. 142 on the 16th August, 1937?

(*b*) If the reply to (*a*) be in the affirmative, will the Hon'ble Minister kindly enlighten the House as to what were the contents of the said communications?

(*c*) If the reply to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken or is intended to be taken in the matter? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) All the letters mentioned except the letter, dated the 21st December, 1938, were received. As regards other matters, the member is referred to the answer given to similar questions by Mr. Shrish Chandra Chakraverty, M.L.C., during the current session.

(*b*) The subjects of the communications were the following:—

(*i*) office establishment of the Registrar of Assurances, Calcutta;

(*ii*) recognition by Government of the Association; and

(*iii*) a deputation by the Association.

(*c*) The Association was informed that Government did not consider that the members of the office establishment of the Registrar of Assurances, Calcutta, had any real grievances. As regards the deputation and application for recognition, the Association was informed that these matters were under consideration.

The proscribed books of Kazi Nazrul Islam.

99. Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that the books "Bisher Banshee", "Bhangar Gan", "Pralaya Sheekha", "Chandrabindu" and "Jugabanee" of Kazi Nazrul Islam have been proscribed under orders of the Government? If so, what are the reasons for such proscription?

(*b*) When were the books mentioned above proscribed?

(*c*) Do Government propose to remove the ban on them in view of the changed circumstances in the country? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes. The books were considered seditious.

(*b*) A statement is laid on the table.

(*c*) No, because of the declared intention of powerful political interests to wreck the Constitution and organise the masses for rebellion and social revolution.

Statement referred to in reply to clause (b) of question No. 99 showing the year, number and date of notification of the proscribed books of Kazi Nazrul Islam.

	Name of the books.	Year.	Number and date of notification.
1.	Bisher Banshee ..	1924	10720P., dated 22nd October, 1924.
2.	Bhangar Gan ..	1924	11657P., dated 11th November, 1924.
3.	Pralaya Sikha ..	1930	14087P., dated 17th September, 1930.
4.	Chandrabindu ..	1931	17625P., dated 14th October, 1931.
5.	Jugabanee ..	1922	16661P., dated 23rd November, 1922.

The probable date of the inauguration of Federation.

100. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether His Majesty's Government or the Government of India has given any information to the Government of Bengal regarding the probable date of the inauguration of Federation as adumbrated in the Government of India Act, 1935?

(*b*) Have the Government of Bengal come to any decision as to the attitude they are going to adopt in this matter? If so, what is the attitude?

(*c*) Do the Government of Bengal propose to take the Houses in their confidence while taking any final decision in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) The hon'ble member is referred to section 320 (*1*) of the Government of India Act, 1935.

Mr. RANAJIT PAL CHOUDHURY: Arising out of answer to clause (*b*) wherein the Hon'ble Minister has referred to section 320(*1*) of the Government of India Act, 1935, which only gives the date of the Royal Proclamation, may we know what attitude this Government will take up when the Federal Scheme is sought to be inaugurated?

The Hon'ble Khawaja Sir NAZIMUDDIN: As long as this Government is functioning under the Government of India Act, it has got to follow the Government of India Act.

Encouragement of cottage industries.

101. Khan Bahadur KAZI ABDUR RASHID: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state what steps up till now he has taken to encourage cottage industries in this province for the manufacture of *jainamaz*, *durries* and other jute products?

(*b*) Are Government aware that in the past cottage industries played a very important part in this country for giving employment and food to a large section of the people?

(*c*) If the answer to (*b*) be in the affirmative, does the Hon'ble Minister propose to promote cottage industries by country-wide propaganda and does he propose to start free training camps in villages for training the village folks in the manufacture of *jainamaz*, *durries* and other jute products?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The two Jute Weaving Demonstration Parties have been teaching and encouraging the manufacture of *jainamajes*, *durries*, and other jute products since 1932. Moreover, I have recently established a Model Jute Weaving School at Rangpur for the purpose.

(*b*) Yes.

(*c*) The department has already been doing considerable propaganda and demonstration for encouraging and popularising cottage industries in the country-side through various demonstration parties and peripatetic schools. I have already stated how I have arranged for training in the manufacture of *jainamajes*, *durries*, and other jute products through the new Model Jute Weaving School and the existing Jute Weaving Demonstration Parties who tour in the interior and hold training camps at suitable centres in the villages. All this training is being imparted free. I have, however, appointed an Industrial Survey Committee who will go into the question of further expansion of the activities of the department in this direction and shall take necessary action according to the advice of the Committee when received

Meghna Bridge.

102. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether it is a fact that wagon loads of stones were thrown into the midstream and sides of the river Meghna adjoining the Meghna Bridge during the last rains, by the Assam-Bengal Railway authorities?

(*b*) Are the Government aware that the said action would make the water of the river shallow and affect the natural drainage and public health of the locality?

(*c*) Were the Public Health authorities consulted before the Railway authorities adopted the said measures? If not, why not?

(*d*) If the reply to (*b*) be in the affirmative, what steps does the Hon'ble Minister propose to take to see that the public health may not be affected owing to the protective measures taken for the Meghna Bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Minister in charge of the Public Health and Medical Department): I am making inquiries, and will endeavour to give the hon'ble member the information which he desires, as soon as possible.

Presentation of the fourth report of the Privilege Committee.

Khan Bahadur M. ABDUL KARIM: Sir, I beg to present the Fourth Report of the Committee of Privileges regarding—

(1) the assault on Mr. Humayun Kabir, which was referred to the Privilege Committee on 8th August, 1938, by this Council and which the Committee in its turn, referred to the Government for a detailed statement in connection therewith; and

(2) the resolution of Dr. Radha Kumud Mookerji passed by the Council on 20th February, 1939, in connection with the Council's privilege to make rules for regulating their procedure and the conduct of their business under section 84(*1*) of the Government of India Act, 1935.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir, I see from the Fourth Report of the Committee of Privileges that a statement has been made to the effect that in view of the assurances given by the Hon'ble Home Minister to the effect that the Government will allot sufficient number of days during this session for the report being discussed and passed in the current session, the Privilege Committee is of opinion that the consideration of the matter be postponed. May I know, Sir, whether during the current month we will have an opportunity of discussing these rules and passing them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, at the time when I gave this assurance, I was hoping that the Council will be adjourned and will continue till about the middle of April. But owing to certain measures not being ready for consideration by the Council, which I had hoped would be ready, it may be that the Council will have to be prorogued soon and summoned to meet again in April next. Budget discussions will go on for some more days still in the Lower House. And it has been the convention, Sir, that when cut motions on the Budget demands are discussed in the other House, sittings of the Council are not held. In the circumstances, it will not be convenient for the Government to allot any day during this session at the present time for discussion of the report of the Rules Committee. But I hope,—and there is no doubt about it,—that when the Council meets again in April, days will be allotted for this purpose. I might also explain, Sir, that although there is going to be a temporary prorogation for about a month, it will in effect be the same session, and that the next session may be deemed as virtually a continuation of the Budget session.

Mr. LALIT CHANDRA DAS: May I add one thing, Sir? The rules are ready, and the cut motions relating to the Budget are taken up elsewhere after our sitting is finished. The Council sits from 2-15 to

4-15 p.m. I do not see any difficulty why, even though the Rules are ready they cannot be taken up this session, and why we shall have to take it up later on. There is sufficient time to do so. The rules are hanging fire for the last two years and on one excuse or the other, they are being shelved from one session to another. So, may I request the Hon'ble Minister to see whether it is not possible for him to allow us to sit from day to day from 2-15 to 4-15 p.m. as usual? The cut motions are taken in another House at 4-45 p.m. every day; so the consideration of the Rules will not in any way interfere with the discussion of the cut motions.

Mr. PRESIDENT: The Hon'ble Minister's reply was to the effect that they will be very busy with the voting on demands for grants in the Lower House and that was his reason for not taking up the consideration of the draft Rules at the present moment.

Dr. RADHA KUMUD MOOKERJI: I think, Sir, that the issues raised regarding the Rules have now been narrowed down. The Rules are quite ready now and I believe that one sitting for a few hours will settle the matter. So, since the House was sitting all these days, probably greater consideration might have been shown by Government to the very legitimate demand of this House to expedite the settlement of its own rules and procedure.

Mr. PRESIDENT: The Hon'ble Minister has explained his position and it is now for the House to decide if they would like to press the matter further. But if that is to be done, it must be by a formal motion.

Dr. RADHA KUMUD MOOKERJI: I do not like to suggest that we should press our point by moving a resolution. Personally, I do not approve of it. Of course, I do not like to fetter the discretion of the hon'ble members, but I would like the Hon'ble Home Minister just to consider if one more day could not be given for discussion of the Rules during the present session.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I very much appreciate the fact that Dr. Radha Kumud Mookerji does not want to press the matter by moving a resolution. Government would have been very glad to have allotted a day, but the difficulty is that, although the Committee have submitted their Report, Government as a whole have not yet had time to consider the matter. As a matter of fact, it has not yet been placed before them even. And that is the reason

why it is felt that no useful purpose would be served by allotting a day just now, as suggested, for consideration of the Report.

Khan Bahadur NAZIRUDDIN AHMAD: It cannot obviously be finished in one day, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: It may or may not be done in one day. The work of the Rules Committee has not so far proceeded on a party basis. In the circumstances, it is expected that consideration of the Report of the Rules Committee would be a formal matter and that the report would go through without any lengthy discussion. As I have said, Sir, the matter has not yet been formally placed before the Government. Whatever has been decided upon, has been done on the responsibility of the Ministers who were members of that Committee. It has got to be placed before the Cabinet as a whole. That has not been done as yet. We had hoped that as soon as the Budget was passed, it would be placed before the Government and then we would be able to allot a day for discussion of the report. It is this practical difficulty which was prevented us from doing so. I can assure the members of the House that there will be no difficulty whatsoever in discussing the Rules, and that they are bound to be taken up for consideration during the next session.

Mr. HUMAYUN KABIR: When is the next session due?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 13th of April, as at present arranged.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may I point out that the Rules were drawn up only by a few members of this House, and other members of the House have also got something to say with regard to these Rules? So, I think it cannot be said that it will be a matter only of a formal nature. I say that notices of amendments have been given by not less than 15 or 20 members, and there are as many as 100 amendments. I do not know how many more there will be, but I think, Sir, it may not be entirely a formal matter as the Hon'ble Home Minister seems to think, and it may take a long time discussing the rules so far as I can see.

The Hon'ble Khwaja Sir NAZIMUDDIN: That was only an expression of opinion on my part. If the amendments are numerous, that fact will not debar the hon'ble members from discussing the report thoroughly. If there are 100 amendments, they will all be discussed.

Mr. PRESIDENT: The Hon'ble Home Minister has stated that the framing of the Rules of this House has not been attempted so far from any party consideration. A general unanimity has been sought to be achieved after discussion, keeping in view the interests of the minorities.

It is, therefore, presumed, by the Hon'ble Home Minister that this matter will not give rise to lengthy discussions like other controversial measures. However, Government have promised that the report of the Rules Committee will be taken up next session and as there is not more than a month between now and the next session, I think that will satisfy the House.

The House will now take up the Bengal Maternity Benefit Bill, 1938, as passed by the Assembly.

GOVERNMENT BILL

The Bengal Maternity Benefit Bill, 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Maternity Benefit Bill, 1938, as passed by the Assembly, be taken into consideration.

Sir, I desire to express my appreciation of the restraint shown by this House in not sending any amendments It seems to indicate that when the House sees a good thing, it appreciates it.

Mr. PRESIDENT: Motion moved that the Bengal Maternity Benefit Bill, 1938, as passed by the Assembly, be taken into consideration.

Khan Sahib ABDUL HAMID CHOWDHURY: On a point of information, Sir. Whenever any Bill is introduced in this House, it is the usual practice, or rather a convention of the House, to invite amendments by fixing a time-limit. May I enquire, Sir, if any such Circular letter was issued in connection with this Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: Oh, yes, it was.

Mr. LALIT CHANDRA DAS: When?

Mr. PRESIDENT: As there was no time to call for amendments by circulation of notice, it was announced from the Chair on the 14th February, 1939, that amendments to this Bill would be received in the Council office till the evening of the 15th February, 1939. But no notice of amendments was received from any member.

The question before the House is that the Bengal Maternity Benefit Bill, 1938, as passed in the Assembly, be taken into consideration.

The question was agreed to.

Clauses 1-4.

Mr. PRESIDENT: The question before the House is that clauses 1 to 4 stand part of the Bill.

The question was agreed to.

Clauses 5-11.

Mr. PRESIDENT: The question before the House is that clauses 5, 6, 7, 8, 9, 10 and 11 stand part of the Bill.

The question was agreed to.

Clauses 12-15.

Mr. PRESIDENT: The question before the House is that clauses 12 to 15 stand part of the Bill.

The question was agreed to.

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

The question was agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Maternity Benefit Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: Motion moved, that the Bengal Maternity Benefit Bill, 1938, as settled in Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Maternity Benefit Bill, 1938, as settled in Council, be passed.

The question was agreed to.

Mr. PRESIDENT: Government resolutions will now be taken up.

GOVERNMENT RESOLUTIONS

Recommending legislation by Federal Legislature to regulate statistics of employment.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that this Council is of opinion that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely:—

(*i*) statistics of employment,

(*ii*) offences against, and the jurisdiction and powers of Courts with respect to, the said Act of the Federal Legislature.

Sir, this resolution is the outcome of mature deliberation by the Government of India in consultation with Provincial Governments and public bodies. The importance of the problem of middle-class unemployment needs no emphasis in this Council and it cannot be denied that the collection of statistics bearing on the problem would be a contribution towards the adoption of remedial measures.

But in the absence of a scheme of unemployment insurance or of some other substantial inducement to the unemployed to register, no reliable statistics of unemployed persons can be collected. Few will take the trouble to make a return unless they have a direct interest in doing so, and the attempts made at the last census yielded no results of value.

If, therefore, statistical material is to be secured, statistics of employment must be collected; and if particulars are collected of the number of men with specified educational qualifications employed in the various spheres of industry and commerce, the collection of such statistics will serve the following purposes: In the first place, it will furnish a basis for estimating the needs of the various industries and commercial concerns for qualified men with different types of technical qualifications with a view to better correlation of supply and demand. In the second place, the statistics will make it possible to form a general estimate of the potentialities for absorption offered by industry and commerce for educated young men and thus to gauge the effects of this policy on unemployment. In the third place, the statistics will help to meet the public need and demand for statistical material.

The value of the statistics would depend on the completeness of the returns. If therefore reliable statistics are to be secured, legislation will be necessary, since otherwise industrial concerns may refuse particulars of employed persons and others may supply incomplete figures.

Opinion is practically unanimous in all the provinces that this legislation should be central rather than provincial so as to ensure uniformity and avoid provincial variations in the form and method of conducting an enquiry.

The type of legislation envisaged is simple. It would enable prescribed authorities to require such employers as might be prescribed to furnish certain particulars regarding the qualifications, educational or technical, of persons or certain classes of persons, e.g., those holding posts carrying more than a specified minimum pay, employed or recently employed by them and would provide a penalty for non-compliance.

The proposals may be framed so as to give Provincial Governments also power to prescribe returns as a prescribed authority.

While legislation in general terms is contemplated the Government of India do not at present contemplate any large-scale simultaneous enquiry but to restrict the enquiry to organised industry (i.e., regulated factories, mines and railways).

It is understood that a similar resolution will be moved in the Legislatures of all provinces.

With these words, Sir, I commend this resolution to the acceptance of the House.

Mr. PRESIDENT: Motion moved that this Council is of opinion that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely:—

(*i*) statistics of employment;

(*ii*) offences against and the jurisdiction and powers of Courts with respect to the said Act of the Federal Legislature.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely:—

(*i*) statistics of employment;

(*ii*) offences against and the jurisdiction and powers of Courts with respect to the said Act of the Federal Legislature.

The question was agreed to.

Recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that this Council is of opinion that it is desirable that—

(1) trade and commerce within the province in drugs, medicines and biological products;

(2) the production, supply and distribution of drugs, medicines and biological products;

(3) the adulteration of drugs, medicines and biological products;

(4) fees in respect of the matters mentioned in clauses (1) to (3);

(5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4);

(6) offences against laws with respect to the matters mentioned in clauses (1) to (5);

(7) jurisdiction and powers of Courts with respect to the matters mentioned in clauses (1) to (6);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

Dr. RADHA KUMUD MOOKERJI: May I rise on a point of order, Sir? With regard to the Resolution moved just now, specially with regard to item No. 2, I want to know whether this Resolution in all its parts is in accordance with the Government of India Act, 1935.

I am afraid that paragraph marked (2), that is, production, supply and distribution of drugs, medicines and biological products, the sphere covered by No. 2 encroaches upon the sphere of Federal Legislation. I have my doubts on this point. I simply raise this point of doubt. I do not know whether Government duly considered this aspect of the matter, because in the list of Federal subjects, there are provisions for regulation of the manufacture of commodities which include medicines and biological products, narcotic drugs and other drugs. So, I wish to know whether the Government will be quite justified in making part 2 as a part of this resolution especially when it relates to the manufacture of drugs.

Mr. PRESIDENT: Are you referring to item No. 45 in List (I)?

Dr. RADHA KUMUD MOOKERJI: Item No. 45 in the 7th Schedule of the Federal Legislative List. There we have these words:—

> "Duties on excise and tobacco and other goods manufactured or produced in India."

There are certain exceptions made, but these exceptions do not really exclude the biological products mentioned here and especially the word "drugs". Therefore I am not quite positive on this point. But I wish the Government to satisfy themselves as to the legality of this item.

Mr. PRESIDENT: Is there any question of levying any duty?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir, there is no question of levying any duty. Moreover, Sir, this question is more or less academical, because this Council is going to request the Central Government to pass an Act in the Federal Legislature and not here.

Mr. PRESIDENT: I think the point that Dr. Mookerji wanted to make is whether it belongs exclusively to the Provincial List. But even in that case, if the Provincial Legislatures agree, then under section 103 of the Government of India Act, 1935, there will be no difficulty about the resolution.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I draw the attention of the House to a certain provision which declares that a Provincial Legislative subject if it covers more than one province, then it comes under the sphere of Federal Legislature under clause 4 of section 100? The Federal Legislature has power to make law with respect to matters enumerated in the Provincial List except for any one province or any part thereof.

Mr. PRESIDENT: I think Dr. Mookerji's contention is that he does not know whether similar request has been made by the Legislatures in other provinces. That might be made clear by the Hon'ble Minister.

Dr. RADHA KUMUD MOOKERJI: Sir, my point was that granting that there may be similar applications from other Provincial Legislatures, I have my doubt as to the foundation of this request. I am not sure as to whether the Federal Government cannot turn down an unreasonable request where a Provincial Government may appear to encroach upon the Federal sphere. If it is clear from the Act that certain subjects are barred out absolutely of Provincial sphere, the resolution just moved should be amended in such a manner that it

does not offend against the law on the subject. I think, Sir, this beautiful phrase "biological products",—I do not know whose invention it was,—really brings within its scope many commodities which are certainly included in the list of Federal subjects. So, I should like the Hon'ble Minister to kindly consider this point and see what should be done, before asking the Council to consider a subject which may be turned down on grounds of illegality.

Mr. PRESIDENT: In this resolution, it is merely a recommendation suggesting to the Federal Legislature that it is desirable to take up legislation on these matters. It is not compelling them or encroaching upon their rights, in any way.

Dr. RADHA KUMUD MOOKERJI: My point is that the words "biological products" include duties, the administration of which in my opinion belongs to the Federal Government. My point is we should not put ourselves to illegalities.

Mr. PRESIDENT: Under clause 45, it is the duty on these things that comes under the sphere of the Federal subject. There is no duty contemplated here.

Dr. RADHA KUMUD MOOKERJI: But it may lead to imposition of a duty.

Mr. PRESIDENT: If it is a question about imposition of duty, it will be the exclusive right of the Federal Legislature to do it. They would not require the recommendation of this House.

Dr. RADHA KUMUD MOOKERJI: My point here is this. The whole subject of the manufacture of certain commodities is to be administered by Provincial Government including the right of levying a duty. That is how I take the wording of the resolution placed before the House. It is very vague. I want the Government to make it quite specific. I have my doubts, but if you think my doubts are unfounded, then I have no point.

Mr. PRESIDENT: Is it not a fact that similar request has been made from several provinces?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. I think from all the provinces.

Mr. PRESIDENT: Then it comes under section 103 of the Government of India Act, 1935. When it concerns several provinces, it comes

under the jurisdiction of the Federal Legislature, in order that there may be uniformity in legislation. And it is open to the several Legislatures separately to recommend to the Government of India to take up such a legislation.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, hon'ble members will probably remember that a similar resolution was passed in this House on the 12th August last. Therefore, it will not be necessary, I think, on my part to enter into history of the demand that necessitated the passing of a resolution like this, not only in this province but in all the other provinces of India, as well. The difference between the previous resolution and the present one is this that in the previus resolution there was no mention of "biological products". In this resolution biological products are included for the simple reason that nowadays biological products like serum, vaccines, glandular extracts, etc., form a very important branch of modern medicine. It may be of interest to the hon'ble members to know that this possible lacuna was first of all noticed by the Government of Assam which drew the attention of the Central Government to this. Thereupon, the Central Government has requested the Government of Bengal and all the other Provincial Governments to pass resolutions of a comprehensive nature including biological products. It is in accordance with the request of the Central Government that this resolution has now been tabled before this House. It is a most inocuous resolution and hon'ble members will also remember that the demand for drug control is very insistent. It is, therefore, felt that the sooner the Central Government passes the necessary legislation regarding this, the better for the whole of India. I, therefore think, Sir, that this resolution will be unanimously accepted.

Mr. PRESIDENT: I would further draw the attention of Dr. Mookerji to section 103 of the Government of India Act which runs thus:—

"If it appears to the legislatures of two or more provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those provinces by an Act of Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly....."

Dr. RADHA KUMUD MOOKERJI: Is it the intention of that section that a subject might be transferred from the Federal Legislative List to the Provincial List? That was my point.

Mr. PRESIDENT: That is exactly what is provided in this section.

Motion moved that this Council is of opinion that it is desirable that—

(1) trade and commerce within the province in drugs, medicines, and biological products,

(2) the production, supply and distribution of drugs, medicines and biological products;

(3) the adulteration of drugs, medicines and biological products;

(4) fees in respect of the matters mentioned in clauses (*1*) to (*3*);

(5) inquiries and statistics for the purpose of the matters mentioned in clauses (*1*) to (*4*);

(6) offences against laws with respect to the matters mentioned in clauses (*1*) to (*5*);

(7) jurisdiction and powers of Courts with respect to the matters mentioned in clauses (*1*) to (*6*):

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that it is desirable that—

(1) trade and commerce within the province in drugs, medicines, and biological products,

(2) the production, supply and distribution of drugs, medicines, and biological products;

(3) the adulteration of drugs, medicines and biological products,

(4) fees in respect of the matters mentioned in clauses (*1*) to (*3*);

(5) inquiries and statistics for the purpose of the matters mentioned in clauses (*1*) to (*4*);

(6) offences against laws with respect to the matters mentioned in clauses (*1*) to (*5*);

(7) jurisdiction and powers of Courts with respect to the matters mentioned in clauses (*1*) to (*6*);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

The motion was agreed to.

Mr. KADER BAKSH: Sir, may I bring it to the notice of the Hon'ble Home Minister that the 13th April would not be a suitable date for the meeting of this Council?

Mr. PRESIDENT: That question does not arise now.

Consideration of the Calcutta and Suburban Police (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce the Calcutta and Suburban Police (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, be taken into consideration.

Mr. LALIT CHANDRA DAS: On a point of order, Sir, I desire to draw your attention to section 65 (*1*) of the Rules and Standing Orders which says: "Any member who wishes to move an amendment to any Bill under the consideration of the Council shall send written notice thereof to the Secretary so as to reach him at least ten days before the first day on which the Bill is to be taken into consideration by the Council and shall together with the notice send a copy of the amendment which he desires to move."

Now, Sir, there is underlying this rule a principle, namely, that there should be sufficient time for the Secretary for circulation of all possible amendments of the hon'ble members of this House so that each member may know in proper time what the amendments of the other members are. The amendments were circulated to the members just when they were coming to the Council and sufficient time was not given to the hon'ble members to study the amendments.

Mr. PRESIDENT: The amendments reached the members yesterday.

Mr. LALIT CHANDRA DAS: No, Sir, it was only when we were coming to the Council that the notice of the amendments were handed over to us. Now, we were asked to submit amendments on the 7th March, so that 10 days are not available before the Bill came up, to-day being the 10th. Certainly, Sir, notice of amendments as well as the circulation vitiate the principle that underlies section 65 (*1*). Even all the members of this House had not got notice of this amendment. The House is thin; barely half the number of members is present. So, proper opportunities have not been given to the members to consider the amendments. Sir, it is not unlikely that there may be amendments to

amendments. For example, there are the amendments for reference to a Select Committee, and other members have got the privilege of certain amendments to choose the names other than those included in the printed amendment. And there are also certain other amendments which have been made by certain members which the other members should have time to consider.

Mr. PRESIDENT: The Chair will allow any amendment that may be moved even if no notice in proper time has been given thereof. I suppose, that will meet the point raised by the hon'ble member.

Mr. LALIT CHANDRA DAS: That, Sir, will not obviate the difficulty about absentee members. If those members had got the notice in proper time, they would have been able to give notice of amendments. Or they might have been able to come down to Calcutta leaving their ordinary place of business, and take part in the voting on this Bill.

Mr. PRESIDENT: Order, order. It is the duty of every member to be present in the House while the Council is in session. I understand that the Council office sent notices of the amendments to the home addresses of the members yesterday.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. But the principle underlying section 65 (*1*) is that at least 10 days' notice of an amendment should be given by a member before the day on which the Bill is to be taken into consideration. The notice of amendments is to reach the Secretary 10 days before a Bill is discussed. Otherwise, the Secretary will not accept it.

Mr. PRESIDENT: Will you also read sub-rule (*2*), namely, "if time permits"? What is the meaning of this?

Mr. LALIT CHANDRA DAS: The meaning is 10 days' notice. Or I should rather think that the implication is that the 10 days' rule should be observed, in order to enable the Secretary to print the amendments and circulate them to the members. This is the import of the section, as I understand it, Sir.

Mr. PRESIDENT: I am afraid, I cannot agree with your contention.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, be taken into consideration.

Mr. LALIT CHANDRA DAS: Sir, I have an amendment regarding circulation of the Bill.

Mr. PRESIDENT: Well, first let the Bill be placed before the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in this connection I would like to add a few words in support of my motion. The fundamental principle behind the Bill is that Government must have the right to send their reporters to take down the proceedings of public meetings, because it is the duty of Government to find out and keep themselves in touch with what is being said by the people in general and with the nature of the propaganda that is carried on at public meetings.

Mr. LALIT CHANDRA DAS: Even in private houses?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, an interjection has been made as to whether this applies even to meetings held in private houses. Yes, Sir, it does, and the clause in this Bill has been so worded as to include even private houses with a view to safeguard against the circumvention and the attempt to avoid the police by means of various methods which have been employed in the past. The reason for introducing the Bill is that since the Bengal Public Security Act has lapsed, unfortunately we have found that at certain public meetings the police have been denied entry, and in respect of some others, the police have been made to buy tickets the prices of which have been arbitrarily put sometimes at Rs. 25, sometimes at Rs. 50 and sometimes again, at Rs. 75 and it is because these high-handed methods have been employed against the police that Government have been compelled to come forward to protect them. In this connection, I would like to draw the attention of the House to the fact that the clause which we are providing here in this Bill, was in force in Calcutta for the last 6 years, from 1932 to December, 1938. Under the Public Security Act, Calcutta was a notified area and exactly the provision that has been sought to be incorporated in this Bill was in force then. The police had all the rights then which were necessary for reporting the proceedings of public meetings, and there has not been any complaint that those rights were abused. The object of bringing this Bill in this form is that Government want to keep that power in their hands, so that the police may not be obstructed. Besides, the scope of this Bill is confined to Calcutta and suburbs. The rest of Bengal is not affected by this Bill. If we find that the police are not obstructed, there will be no necessity for enforcing the provisions of the Seditious Meetings Act. But if we find that in view of this Bill applying only to Calcutta and not to the rest of Bengal, the police are hampered in the discharge

of their duties, then I must say that Government will have to make use of the power to notify, either in any particular area or in the whole of Bengal, the provisions of the Seditious Meetings Act of 1911 which are rather drastic; and once those areas are notified, no public meeting can be held without the permission of the District Magistrate. That is a thing, Sir, which Government do not want to do; they do not want to place any difficulty in the way of the holding of public meetings. But if they do it, they will do so only because their hands have been forced. I want, therefore, to make the position absolutely clear, that it is a recognised practice not only with this Government, but with every Government, whether it be in India or anywhere else, to secure to the police the right to attend public meetings and take down the proceedings, specially where there is an apprehension of such speeches to be delivered as are likely to lead to trouble. It is for these reasons that we have brought forward this Bill in a rather modified form. Its application is entirely confined to Calcutta and its suburbs, and as I have already said, it has been in existence for the last 6 years, and nobody knew that it was in force.

(Dr. Radha Kumud Mookerji rose to say something.)

Mr. PRESIDENT: The motion has not yet been put before the House.

Dr. RADHA KUMUD MOOKERJI: Sir, I wish to speak generally on the matter.

Mr. PRESIDENT: Order, order. Under sub-clause (*2*) (*d*) of section 108 of the Government of India Act, 1935, unless the Governor in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which repeals, amends or affects any Act relating to any police force. So, I would like to be satisfied that previous sanction has been given by the Governor in his discretion.

Dr. RADHA KUMUD MOOKERJI: Sir, that was exactly the point that I was going to raise.

Mr. PRESIDENT: But that ought to have been raised as a point of order, and not through a speech as you were going to make.

(The Hon'ble Home Minister showed a file to the Hon'ble the President.)

Mr. PRESIDENT: I find the order signed by "B", and I take it that it is the signature of the late Lord Brabourne. So, I am satisfied on this point.

Motion moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, be taken into consideration.

Mr. LALIT CHANDRA DAS: Sir, may I move my amendment now which is first on the list—about circulation?

(Dr. Radha Kumud Mookerji also rose.)

Mr. PRESIDENT: What is your point, Dr. Mookerji?

Dr. RADHA KUMUD MOOKERJI: Sir, I want to know whether we should not have a general discussion on the merits of the Bill?

Mr. PRESIDENT: Certainly.

Dr. RADHA KUMUD MOOKERJI: May I exercise that right now?

Mr. PRESIDENT: Order, order. Motion has been moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, be taken into consideration. To that motion there is an amendment for circulating the Bill for eliciting public opinion thereon. The original motion, the amendment and any other amendment that may be moved will be open to discussion, and every member will have the right to speak on the motion or on the amendments.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Sir, in doing so, I think I must adduce reasons and those reasons must be adequate. When Bengal was torn by agitation for the annulment of the Partition and the other provinces in India sympathised with her, the Government of India was stampeded into passing the Prevention of Seditious Meetings Act in 1907. The bureaucrats then had the decency to state the grounds for such an enactment and to limit its operation. They said that the Act was necessary to consolidate and amend the law relating to the prevention of public meetings likely to promote sedition or to cause a disturbance of the public tranquillity. By section 2 of that Act, the Local Government was given the power to declare "Proclaimed" certain areas by notification which could last for not more than 6 months. That Act could only apply to "proclaimed" areas. For the purpose of that Act and in its application to proclaimed areas, "public meeting" was given a definition so as to include also a meeting in a private place, notwithstanding that admission thereto was restricted by tickets or otherwise. Here, without declaring Calcutta or its suburbs a proclaimed area, without

even so much as an assertion that a state of emergency exists in Calcutta or its suburbs, our so-called popular Ministers proposed to quietly invade the sanctity of private places and bring within the definition of a "public meeting," the definition attached to it in times of great public excitement applicable to "proclaimed" areas. Sir, flushed with success in forming a Coalition of blind voters at its back, and drunk with power, the present Ministry had not even the decency of hiding its iron hands with a velvet glove. Sir, it was not by oversight that the Commissioner of Police, Calcutta, was not mentioned in section 4(*2*) of the Prevention of Seditious Meetings Act, 1911, as the Hon'ble Home Minister would have us believe, by a statement made in the Objects and Reasons for this Act. The omission was deliberate. When the Seditious Meetings Act was first enacted in 1907, it empowered all officers of the police not below the rank of Inspectors to cause reports of meetings to be taken. Abuses crept in and it was found that the police could no longer be entrusted with that drastic power of deputing at random subordinate police officers on whose reports or misreports depended the liberty of several most prominent people of the country. So it was that that power was deliberately taken away from the police and given to the District Magistrate or any Magistrate of the first class, authorised by the District Magistrate in this behalf. The Commissioner of Police, Calcutta, was not mentioned in section 4(*2*) of the Prevention of the Seditious Meetings Act, 1911, not because of oversight, but because the function of the Commissioner of Police, besides being the head of the police force in Calcutta, is primarily that of a Justice of the Peace, and not ordinarily—that of a Magistrate, and it was so defined in the Calcutta Police Act of 1866.

But while the Commissioner of Police shall not ordinarily be a Magistrate, he may in accordance with the provisions of section 6 of the Calcutta Police Act be appointed by the Provincial Government as Magistrate, if the situation so demanded. So, why instead of declaring the Commissioner of Police a Magistrate under section 6 of the Police Act, the Bengal Ministry takes recourse to the subterfuge of the argument of "oversight". A little thought and the ruse becomes clear. In making him a Magistrate, the Ministry gives him the additional powers of trying the accused and issuing processes and orders such as has been given to the Magistrates under the Police Act of 1866. That Act was never intended to invade the sanctity of private houses.

Again, the Seditious Meetings Act, 1907 or 1911, was never intended to apply to any place except the "proclaimed" areas. Nor did the Bengal Public Security Act of 1932, which lapsed on the 31st of December, 1938, intend to apply the wide definition of "public meeting" as given under section 8 of that Act excepting in cases where emergency existed.

Our popular Ministry wants to put in permanently in the Calcutta and Suburban Police Act, 1866, the definition of "public meetings" as given in the Seditious Meetings Act and the Bengal Public Security Act, 1932, without declaring the existence of an emergency or without declaring Calcutta or its suburbs a "proclaimed" area. Sir, these gentlemen, who constitute our Ministry, have, it seems, been repenting at leisure and are thinking how best to revive the worst features of the Bengal Public Security Act, 1932, which lapsed on the 31st of December last. And as a result of their confabulations, they are now going to out-Herod Herod himself, and put to shame even the bureaucrats of old. The Bureaucratic Government which this Ministry has supplanted had at least the decency to make the Public Security Act a temporary measure. In making that Act, the Bureaucratic Government even felt the necessity of explaining why they wanted such a drastic and repressive law. And so it is that we find it said in the Preamble of the Act that it was to provide for the maintenance of public security in case of emergency and for trial of certain offences by special Magistrates in such emergencies. In that Act, the Bureaucrats had the decency to state that the Local Government was not to apply the Act unless satisfied on three grounds, viz., firstly, that there was a movement subversive of Law and Order; secondly, that a state of emergency existed and thirdly, that the existing law was inadequate for the maintenance of public security. Under such conditions and in such contingencies as above stated, the definition of public meeting was stretched to include also meeting in private houses, though I do not admit that such a definition was at all justifiable. Sir, here our popular Ministers do not declare Calcutta and its suburbs a "proclaimed area", nor do they say that in Calcutta or its suburbs (1) there is any movement subversive of Law and Order, (2) that a state of emergency exists, and (3) that the existing law is inadequate for the maintenance of Law and Order. Sir, as a matter of fact, Calcutta and its suburbs are peaceful. The situation is quite normal. No doubt like all great cities of the world, it has its labour population and labour problems; it is the normal condition of every big city. But nowhere in a civilized country in any big city, the definition of public meeting has been given to include meetings also in private houses, even though admission thereto is restricted by tickets, with power given to the Police to enter those places. Sir, our Ministers proceed quietly to import the definition of "public meetings" as given in two most repressive laws, the Prevention of Seditious Meetings Act and the other, now-defunct law, the Bengal Public Security Act and for the rest they rely on the Bengal Criminal Law Amendment Act and other repressive laws which, to the eternal shame of Bengal, are still on the Statute Book.

The Hon'ble Khwaja Sir NAZIMUDDIN: What about Madras?

Mr. LALIT CHANDRA DAS: Sir, the executive should not be given more power than what is necessary. The existing ordinary laws of the land are quite sufficient for the maintenance of Law and Order or for the maintenance of public tranquillity. In importing the definition of public meetings from those Acts and in trying to make it a permanent feature of the Calcutta and the Suburban Police Act of 1866, our Ministry has beaten all past records in utter shamelessness and in casting to the winds all principles of democracy which rests and must necessarily rest on reason, justice and fair-play. The present Ministry certainly did not get the authority to make such a repressive legislation from the electorate. As Ministers, they ought to seek the mandate of the electorate for such a legislation before they proceed to enact one. Sir, if the home of every Englishman is his castle, the abode of every Bengalee is the abode of Gods and Goddesses. It is proposed in this measure that the Commissioner of Police will be empowered to send the Myrmidons of Law and Order to any quarter in Calcutta or its suburbs to get reports of what is happening there, as if Calcutta and its suburbs are the homeland of criminal tribes, as if Calcutta and its suburbs are beyond the pale of civilization.

Sir, it is a measure which should be circulated and the opinion of the people of Calcutta and its suburbs ascertained as to how they take to the provisions of this amending Act. Sir, we wanted our rights; we wanted that legislation should originate in our Legislature also, as the statute gives equal power to both the Legislatures in this respect. That right has for the first time been given to us, but given with a vengeance. A tiny little Bill like this in the shape of a bitter pill has been given us to swallow. Must we swallow it? That is the question. Let this Bill be circulated for eliciting opinion and then we shall know. Sir, with these few words, I commend my motion for the acceptance of this House.

Mr. PRESIDENT: Amendment moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Sir, after the oratorical flourishes of Mr. Das, I want to discuss this Bill from the plain common sense point of view, and I propose to take the Statement of Objects and Reasons which has been given by the Hon'ble Home Minister and try to prove that this Statement of Objects and Reasons in itself contains sufficient grounds for not accepting this Bill. It is the usual practice, whenever any important measure is first introduced, to circulate it for eliciting opinion at first, and the Government are never tired of telling us whenever we want to

move any Bill, whether important or unimportant, that first of all public opinion must be ascertained, and I think Government should practise what they profess. Apart from any other reasons, this is in itself a consideration why this Bill should go for circulation instead of being sprung upon us as an unpleasant surprise, a nightmare as Mr. Das has put it so vividly.

However, let us take the Statement of Objects and Reasons. I may at the outset say that I would like to congratulate the Hon'ble Home Minister for his speech, for having a very bad case, and perhaps I may go further and say having no case at all he tried to persuade us and almost succeeded in the attempt. He adopted an attitude of sweet reasonableness which almost put to sleep the suspicions of those among us who are less critical of his utterances. And yet, in the Statement of Objects and Reasons itself I think will be found reasons why this Bill should not be accepted.

It is clear from the Statement of Objects and Reasons that this Bill seeks to replace one which was an emergency measure. That in itself is a very serious consideration. In times of emergency, when there is trouble, it may be necessary at times to introduce measures which are not generally acceptable to a legislature, but here at the moment there is no suggestion in the speech of the Hon'ble Home Minister that a state of emergency exists; there is no suggestion that unless this Bill is passed there is going to be any serious interference with public tranquillity in the city. Before we place permanently on the Statute Book a Bill which was introduced originally as an emergency measure, we should be very careful of our steps. That in itself is a consideration which should make us go slow and that in itself is the reason why it should go for circulation, and the period I have suggested is a modest period of only three months. A modest period of three months should not in any way frighten the Ministry. That, Sir, is the second consideration for sending the Bill for circulation.

Then, Sir, it is suggested in the Statement of Objects and Reasons that it was "apparently by oversight" that this particular power was not given to the Commissioner of Police of Calcutta before. I must consider this a very peculiar kind of oversight which can exist for 27 years. For 27 years this oversight was not remedied. It is clear from the Statements of Objects and Reasons that in 1911, the Seditious Meetings Act was amended after experience of its workings for four years. Under the Act of 1907, the Police Commissioner of Calcutta, in fact any Police Officer not below the rank of Inspector had the power of thus going to meetings and taking notes. In 1911 the Government in full possession of the facts after considering the situation, after considering all the implications of the amendment which they moved, were pleased to make an amendment that in place of the Police Inspector the words "District Magistrate or any Magistrate of the 1st class authorised by the District Magistrate in this behalf" should be

substituted. In other words, in 1911 the Government deliberately took away the power which it had previously given to the Police Inspector, and therefore by implication also to the Police Commissioner. Since 1911 twenty-seven years have passed. If for 27 years Government have been able to do without remedying this oversight, if for 27 years this oversight has not in any way interfered with the normal activities of the Government, I do not see any reason why to-day, when Provincial Autonomy has been introduced, when we see and believe that we live under a more liberal regime than in the past, this sort of obnoxious measure should be attempted to be put permanently on the Statute Book.

The Hon'ble Home Minister may suggest that in 1932 there was some alteration in the state of affairs. In 1932 no doubt there was the Public Security Act, and this power as a special measure was given to the Commissioner of Police, Calcutta, but that in itself, Sir, shows again that the Government even in 1932 did not do anything by oversight. The theory of oversight, which is mentioned twice within this very short Statement of Objects and Reasons, does not have any leg to stand upon. If two amendments to this Bill were undertaken over a period of 31 years, between 1907 and 1938, if during 31 years when Government moved two different amendments on two different occasions, when they could have revised this particular provision, Government did not choose to give this power permanently to the Police Commissioner, Calcutta, there must have been very good reasons why Government were not prepared to give this power to the Commissioner of Police, Calcutta. Are we to understand that to-day this Government wants to give powers to the Commissioner of Police, Calcutta, which the Government of 1911 did not want to give? Are we to understand that this Government wants to give powers to the Police Commissioner of Calcutta which the Government of 1932 did not want to give? Or, are we to understand that this Government arrogates to itself all the wisdom and statesmanship and suggests that the Government of 1911 and the Government of 1932 were Governments which were liable to oversight, to apparent cases of oversight in matters which are so serious as this? I think, Sir, this in itself is sufficient consideration why this Bill should be sent for circulation. Government have proved by their own conduct, by the act of legislation, by the amendment they have required to the different Acts at different times, that this is not a necessary measure.

Again, Sir, I should like to draw the attention of this House to another point. It was during 1930-31 that Calcutta, along with the rest of India, faced the greatest strain on account of the Civil Disobedience Movement. Even during that period there was no necessity, there was no occasion to put such a measure permanently on the Statute Book. Are we to understand that the circumstances

have changed so much for the worse that it is a necessity to-day? Has the situation really deteriorated so much? Well, if the Government say so, is it not a confession of rank failure on their part? I would suggest, Sir, that if the Government propose that this particular measure should be put permanently on the Statute Book, it is a confession that this Government are not enjoying the confidence of the people and have failed to keep order without taking powers which even the Bureaucratic Government in the past did not require. It is a confession that without such a special power they cannot carry on the administration, and if Government are prepared to make such a confession of failure and to such bankruptcy of statesmanship, I do not see any reason why that Government should continue.

There is one other point to which I would draw the attention of this House, the question of the difference between the position of the District Magistrate and the Commissioner of Police, Calcutta, has to some extent been discussed by Mr. Lalit Chandra Das. There is another aspect of the matter to which I would draw the attention of this House. In the districts, it is but natural that a Magistrate should have greater powers than the Commissioner of Police is expected to have in a city. The political life of a country runs in the metropolis and thinking about political questions or organisations takes place in the metropolis. Therefore, if this power remains with the district authorities, that itself is objectionable, but not so objectionable as it would be if the same powers were given to the Commissioner of Police, Calcutta. When we come to the detailed consideration of the Bill itself, I shall have no difficulty in showing to the House that the sort of powers that are sought to be given to the police are so great that they can seriously interfere with the normal political life of the country. Just consider the phrase, "any one who is not below the rank of a head constable can attend any public meeting, etc." All these powers are so great that they go against the fundamental principles of democracy, and would render all party Government impossible. When and if we take up the question of the consideration of the Bill, I propose to prove in more detail to this House that this sort of measure, if it is enacted, will be a serious interference with the private rights of individual citizens for the formulation of opinion, and for the discussion of questions. How are we to understand a measure which has been so vaguely formulated and where the definition of a public meeting is so wide that it can cover anything from a marriage feast to a funeral, or even a political party meeting which is held in a private house? This explanation—this precious explanation which has been drafted for our benefit—defines a public meeting as "any meeting which is open to the public or any class or portion of the public and a meeting may be a public meeting notwithstanding that it is held in a private place, and notwithstanding that admission thereto is restricted by ticket or otherwise." Now, Sir, who will be left out if this definition is accepted?

Who is not a member of the public? Who can say that a certain person is not a member of the public or of any class or of any portion of the public? When the Europeans hold their St. Andrew's Dinner, is it a public meeting? It very often occurs that when such dinner parties are held, they are occasions when public utterances are made. But there are also occasions where private dinners are held in which public questions may be discussed. The persons attending those dinners are certainly members of the public or of any class or portion of the public and so, according to this Bill, it will be a public meeting. The qualifying clause takes away that safeguard which attaches to a private dinner party which may have been held for meeting, even friends and acquaintances in a private place. I may hold a dinner party in my own House for the entertainment of a certain private friends and notwithstanding that admission thereto is restricted by tickets or otherwise, it will be a public meeting and any police officer may attend it for the purpose of causing a report to be taken of the proceedings of such a meeting. After all, Sir, most of the dinners are by ticket, for cards are a form of ticket and invitation is thus controlled by ticket. The term "otherwise" may connote and mean anything in this world. You invite certain people to a party and admission thereto is restricted in certain ways, but the word "otherwise" covers every possible way in which men can gather together; and if we are to accept the Explanation in the Bill, it would apply to any meeting where people gather together and discuss any question whatsoever. That meeting at once becomes liable to the attention of the police, and a head constable may present his "welcome" personality and it at once becomes a public meeting within the meaning of this Bill, and notes can be taken of the proceedings of this meeting.

There are also other points in the Bill into the details of which I do not now want to go, but there is only one point which we must consider: Are we prepared to tolerate such interference with the rights of private individuals? If we are so prepared, of course there is no objection to the acceptance of a Bill like this, and then there would be no case for circulation. But we as members of this House do not want this sort of unwarranted interference with the rights of private individuals to discuss questions as they will. After all, Sir, evedybody knows that when intelligent people gather together, politics directly or indirectly almost invariably enters into the discussion. 'Sir, what is politics? A gathering of intelligent citizens—whatever may be the subject of their discussion—will very soon meander into politics. Take, Sir, a very simple question where some people are discussing the question of appointments. Now, there is a policy behind the appointments, and very often—and I think the Home Minister will agree with me—appointments lead to questions of politics, and we know how very often it becomes uncomfortable to the Ministry. Any question in which the public take

an interest is a public question, and the discussion of such questions may often lead to the discussion of the organisation of a society and Government.' That may again in its turn lead to the discussion of the policies and measures which Government are following in this country, and immediately this is done, the discussion will come within the mischief of this Act. For these reasons, Sir, I commend to the House that the Bill should be sent for circulation and not taken up for consideration at once.

Mr. PRESIDENT: Amendment moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June 1939.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, with your permission I beg to move to the amendment of Mr. Lalit Chandra Das an amendment that in place of the words "31st December, 1939", the words "31st May, 1939" be substituted.

Mr. LALIT CHANDRA DAS: I accept the amendment.

Mr. PRESIDENT: It is for the House to accept or reject the amendment, and not for the mover thereof.

Mr. PRESIDENT: Motion moved that in the amendment of Mr. Lalit Chandra Das, in place of the words "31st December 1939" the words "31st May 1939" be substituted.

Dr. RADHA KUMUD MOOKERJI: "Sir, I have no doubt that this Council must have noted with pleasure the very graceful response made by the Hon'ble Home Minister to a suggestion of this House that Government might see their way to initiate legislation in this somewhat neglected House. But while I was prepared to congratulate the Hon'ble Home Minister on this graceful gesture, I am very sorry to say that I cannot actually congratulate him on the contents of the legislation which he is to-day initiating in this House. I very much wish that he had honoured us with a more democratic measure which would redound to the credit of the Ministry. I really cannot understand how a member of a popular Government can really bring himself to believe in the efficacy of the weapons which he is forging afresh, and I believe he is going against the convention established by other Governments in India. Sir, accustomed as I have been to breathing the air of freedom in the atmosphere of the United Provinces, and as I have come in the course of my journey breathing the same atmosphere of freedom in the province of Bihar, I no doubt feel somewhat suffocated in this atmosphere of Bengal. It will perhaps be news to members of this House if I tell them that the latest measure

which has advanced the liberties of the citizens of the United Provinces, has been a measure under which members of the police there have been instructed not to report public meetings at all, nowadays. And in the suffocating atmosphere of Bengal, we find all those democratic traditions that are being slowly built up elsewhere are trampled under feet ruthlessly. In fact, the Home Minister is unnecessarily going beyond all limits of reason, justice and fair-play in the supposed interest of Law and Order. Sir, he stands condemned by his own words—his very favourite Preamble—with which he thinks he is sufficiently armed in defence of this measure. He has taken shelter under words which I do not think he has any legal authority to use. The case on which he takes his stand is one old piece of legislation which the late Sir Rash Behary Ghosh condemned as a "lawless law" —one of those Black Bills which the country wants to forget. Sir, he takes shelter under those Acts and says that section 4 (2) of the Seditious Meetings Act of 1911, empowers the District Magistrate or any Magistrate of the first class to depute police officers not below a certain rank to attend any public meeting or cause reports to be taken of proceedings of such public meetings. But unfortunately, he finds no precedent whatsoever for bringing in this particular reform that he had in view. He says that the Commissioner of Police is not mentioned in the sub-section apparently by "oversight." I want to ask a responsible member of Government—a Minister who presides over the vital department of Law and Order—whether he is satisfied himself that these words were really due to an oversight, whether he is satisfied himself as to the correctness of the reflection that he is casting upon the old law-makers of those days, as if they were given to such oversights and as if it was reserved for a latter-day administration to correct those oversights. On the contrary, I think that it was not only due to no oversight but was due rather to very grave and deliberate consideration of public policy. And what was the policy behind this supposed oversight? The policy is the policy of placing the military under the civil authorities, an issue on which Lord Curzon had that infamous controversy with Lord Kitchener. Do you mean to say that the Legislature of 1911 which was called upon to deal with far more difficult political conditions, forgot what they should want under those circumstances and that they should now want lessons to be taught to them? I think it was really out of obedience to a most wholesome political principle that a police officer as such must be made to obey a mandate of the judicial officers, that the District Magistrate was entrusted with this authority which was capable of interfering with the lives and liberties of the citizens of this country. Now, Sir, my second point is this, that the framers of this piece of legislation—I should say the Hon'ble Home Minister,—have been very badly advised and let down also by his official advisers. Well, I want to take consolation from that fact, and I do not want this consolation to be destroyed,

but it is a fact that the Hon'ble Minister has been badly let down by his over-zealous police authorities. Why should he go as far back as 1907, when the black history was wiped out in 1911? Why was he so anxious to rake up that old black chapter in our history which was for ever buried and forgotten? He takes his stand upon the precedent that in the Act of 1907, the phrase "any officer of police" occurs. But there was this omission made, in the old Act. Now, I am very sorry to say that we, Indians, have travelled far from the days of 1911 down the stream of time and progress. Does the present Ministry think that the conditions of 1911 should be reproduced in 1939 after a lapse of 28 years? Is there to be no broadening of liberty from age to age in this country? Can he really go back by a jump of over three decades in order to curtail public liberty? I do not think that he should take shelter—this kind of cowardly shelter—under an obsolete legislation which is dead and gone.

Therefore, if his main contention is that this particular measure is meant to correct the oversight of the Government of India, I join issue with him, and I hope even the Governments of those days, even the Legislature concerning those days will also agree with me that it was not due to any oversight; it was done deliberately, and it was out of deference to the wholesome public policy whereby the Police must be under the control of the Civil authorities. Then, of course, I have taken the liberty to move amendments. When these amendments are being proposed, I will speak on them, but for the present I humbly implore the Hon'ble Home Minister that he should pay more respect to public opinion which should be consulted by a popular Government. All that the amendments seek to propose is this that in a measure which affects the vital, the fundamental liberties of the citizens, in a measure of such vital importance, he should take the public into confidence. We are not passing any judgment upon his measure to-day by the amendment. We are only proposing that in a measure of such vital importance to the liberties of the people, let the popular government take the public into the fullest possible confidence, and I believe the delay that will be caused by reference to public opinion will not matter much. I do not believe that Bengal just now is in the throes of a bloody or Red revolution, and certainly the Police authorities can wait for taking the public into confidence. I advised my friend Mr. S. C. Chakraverti just to curtail the period of reference so as to bring it up to 31st May, 1939. We, on this side of the House, are prepared to show every possible kind of gesture for accommodation and only hope that the Hon'ble Home Minister will be pleased to respond to this gesture as he has done already in the case of the ultimate position, namely, that the Upper House should be regarded as equal to the other House in the matter of initiation of legislation, and I am very glad to say once again that the Home Minister has admitted

the contention that we raised here, and is now initiating a legislation for the first time in this House. But pray, save the reputation of this House by not placing on the Statute Book an Act unworthy of the democracy that it supposed to be functioning now in the province of Bengal. I also pray that the atmosphere of freedom, which we all breathe in the United Provinces and other Congress Provinces, should be extended to Bengal so that all the Provinces might march together in tune with a common purpose towards the obtaining of our liberties.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I do not wish to enter into the merits of the question that has been raised. I wish to draw the attention of the House to the conception of the word "meeting." It has been said that this Act will invade the sanctity of marriage party, tea party, garden party, possibly even drinking party and theatres and cinemas and things of that kind. But the Act is directed towards certain kinds of public meetings. The word meeting has been defined in Ratanlal's Law of Crimes. It is this: "Assembly of persons whose consent is required for anything to decide by a proper majority of votes whether or not that thing shall be done." So, a meeting differs from an ordinary assembly. In this view of the matter, the fear that has been expressed in this House has no justification. That is all I wanted to say.

Mr. D. H. WILMER: Mr. President, Sir, I should like to congratulate the Home Minister for having conferred upon this House a boon for which they have long asked and in no uncertain terms, namely, that Government should introduce a measure in this House. At last the great day has arrived, but no speaker up to the present has expressed any pleasure.

Dr. RADHA KUMUD MOOKERJI: I have done it.

Mr. D. H. WILMER: I beg your pardon. One member, Mr. Humayun Kabir, said that the Bill was an unpleasant surprise. The business before the House, Sir, at present is the consideration of the question whether the Bill should be circulated for eliciting public opinion. I would suggest that having obtained this boon, we should not part with it. Let us keep it and deal with it while the opportunity is present. I submit, Sir, also that the question that has arisen on this Bill can be dealt with now and on the floor of the House. It is not a new question; it is merely the renewal of powers which have existed in the past. We, on this side of the House, have yet to hear that the powers in the past have in fact been abused. We are guardians of public liberty. It is one of the privileges of this House that we should be guardians of Law, and if there is proof that these powers have been abused in the past, this party is certainly

prepared to consider it. At the moment there is no suggestion before us that the powers have been so abused. I gather from the Home Minister's speech that the only practical question that arises at the moment is that if a policeman attends a public meeting, a charge is at once made for his admission. I presume those who are welcome are let in by the back-door free, and the policeman is required to go through the turnstile and pay charge. So from practical point of view, Government by this Bill are merely attempting to evade an unnecessary expense, because after all, the meetings to which this Bill applies are open to the public, and any policeman can go to that meeting presumably in disguise (Mr. LALIT CHANDRA DAS: Why disguise?) to evade payment of admission fees. He need not wear his uniform; he can go to the meeting; he can take shorthand note of the meeting and present it to the Commissioner of Police; but because apparently the Police prefer to do their duty openly and honestly, they are to submit to this charge. So I am merely pointing out, whether we pass this Bill into law or whether we do not, the Police will still be able to obtain reports of public meetings. They will do so cheaper than is the case at present. Further, I cannot understand the objection to publication. Personally I always make my speeches as shortly and as quickly as possible, but I do feel that there are people in this world who speak at great length, because they hope to see their speeches reported in full in the newspapers on the following day. So, I cannot understand why there should be any objection to the publication or taking reports of matters spoken at a public meeting.

The feeling, Sir, of this party is that this Bill can be dealt with on the floor of this House. We should like, however, to say that the next time the Government proposes to introduce a Bill in this House —and we hope it will not be very long before they do so again—we should have a little more notice and little more time to study the measure. Our attitude with regard to the Bill in detail will be disclosed when we hear a little more about it. I, therefore, oppose the motion that the Bill be circulated for eliciting public opinion.

Mr. RANAJIT PAL CHOUDHURY: Sir, I had no intention of making any observation in this, because our party had made the point amply clear for circulation, but I just wanted to answer the point of Mr. Wilmer who suggests that there have been no police excesses. But, Sir, the Law courts are there, and we have found very many cases where the police excesses have been strongly condemned and criticised in open courts. It is not the Commissioner of Police whom we are feeling so nervous about, but it is his deputies and underlings and subordinates who are generally overzealous and who generally go into these excesses. It is for these reasons that we are opposing this Bill in this House and that we want public opinion to be elicited on this matter. With these observations, I support the motion for circulation.

Mr. BANKIM CHANDRA DATTA: Sir, I do not think after all that has been said on the floor of the House, I should make any attempt to improve on them. But I would put a very straight question to the Hon'ble Home Minister. It is this. Why go in a round-about way trying to distort the dictionary meaning of the word "public"? Why not delete the word "public" altogether, and say "any meeting anywhere"? That would make the position perfectly clear. That really is the whole position. You want to have unrestricted powers for the police to go and poke their nose in, wherever they like. For, if really, as you say in your peroration, that you want to have this Act, after it has been passed, introduced only in the "proclaimed areas", say so. If you have not said that, I think it is quite clear that you want to enforce it wherever you like without any reference whatsoever to the occasion.

Sir, my friend Dr. Mookerji has said, and I repeat what he has said, namely, that the plea which he has taken in his Statement of Objects and Reasons that this was only an oversight is absolutely unfair to that particular legislature which passed it. I do not know who was the author of this piece of legislation at the time, but surely it is very unfair on the part of a subsequent Government to level this charge against that Government and say that there was an oversight. That particular Act worked alright, and now the popular Government has thought fit to recast it and put it permanently on the Statute Book. There was an occasion for it when it was introduced, but now you will agree with us that there was no occasion for this Act again. All the same you want it to be put permanently on the Statute Book.

And then, Sir, there are one or two other matters which I think ought to be discussed in this House. As regards the various sections I do not want to dwell on them in detail, but I only want to ask, what is the object in using the words "other person". "Any person" is really a very convenient expression over which the Hon'ble Home Minister seems to be very happy, and he feels perhaps that he can depute any Tom, Dick and Harry whoever may appeal to him to go and attend a meeting wherever it is held, and as my friend Mr. Kabir has put it, not only in marriage meetings but also in funeral meetings. Really, Sir, I do not know how he can justify it in his own conscience that there has been a case for putting such a piece of legislation on the anvil to-day. Sir, the best way of really dealing with this matter should be by offering co-operation between the police and the public. Let the public understand that they can trust the police and then there will be no need for a legislation like this. That is really a gesture which ought to come from the police. At least, I think my hon'ble friend will agree with me that trust begets trust, and this gesture ought to come from the police to the public. Start co-operation, cultivate friendship, cultivate relationships, and then you will find

that there will be no longer any necessity for any such legislation. With these words, I would certainly suggest that there is ample scope for circulating the Bill for eliciting public opinion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government were repeatedly asked to introduce some legislation in this House and they were told that this House was a House of Elders where they will find sober and considered judgment and pronouncement on the measures that Government will introduce. But having listened to the speeches delivered, I find that so far as melodrama is concerned, it is very difficult to find a compeer of Mr. Lalit Chandra Das in another place, and for "sweet unreasonableness", it is difficult to beat Mr. Humayun Kabir; and as for Dr. Radha Kumud Mookerji, I am sure, he has no equal anywhere else. But, Sir, I feel that so far as this Bill is concerned, it has been grossly misunderstood and misrepresented. The Bill is a very short one and it has got only two clauses.

Mr. BANKIM CHANDRA DATTA: But a bitter pill.

The Hon'ble Khwaja Sir NAZIMUDDIN: "May be a bitter pill but sugar-coated". It is a very short Bill, Sir, as I have said, and it is also a very simple one, and as far as the ascertaining of public opinion is concerned—a point which has been raised by Mr. Humayun Kabir—I feel that it cannot be compared with any other Bill, because the provision which we are making in this Bill was already in existence under the Public Security Act, and is also in existence in the form of the Seditious Meetings Act. Now, before I go into the merits of the Bill, I want to explain to the House the point of view of those who feel that there is a change in the Government. Listening to the speeches one feels that those who have spoken on the Bill on behalf of the Opposition find no change in the constitution of the Government. The type of speeches that were made in the old Bengal Legislative Council, the words that were used in the old Bengal Legislative Council and even the arguments that were advanced in the Old Legislative Council—they are all being repeated here without taking into consideration the fact that whereas the old Government, the Government before 1937, was not responsible to the Legislature as far as police and other reserved departments were concerned, the present Government is entirely responsible to the Legislature.

Mr. LALIT CHANDRA DAS: Is it responsible to public opinion?

The Hon'ble Khwaja Sir NAZIMUDDIN: It must be so, because a Legislature represents public opinion and it is the opinion of this

House and the other House that represents public opinion. We are responsible to them and through the members thereof to the general public. Therefore, these loose talks about some measures being reactionary, or retrograde, do no longer hold good. They may have been justified when the old Council could not take any action against those who promulgated these orders, because they could not be removed. The criticisms that were levelled against the Public Security Act, the Criminal Law Amendment Act, were justified because the Home Members of those days could not be removed. If the Home Member of those days persisted in doing what he wanted to do, the old Council had no power to take any step against him to express their displeasure or disapproval. Those conditions have changed. You have now the right to take steps against the Ministry by way of expressing your displeasure and disapproval of anything that it does. This Ministry is now removable. So, criticisms against a measure being drastic or retrograde have no reason for existence at the present moment. For, you can now turn out a Ministry if you do not approve of their action. A great deal has been said about public meetings and Mr. Humayun Kabir has dwelt at length on the word "otherwise". May I explain to the House why this word "otherwise" has been used? It is not for the purpose of giving powers to the police to invade private houses, to invade associations and to invade private meetings, but to guard against circumvention, to guard against transforming an obviously public meeting into private meeting for the purpose of preventing the admission of police. For example, suppose that a public meeting is held at Mahommadali Park, and they say that only those who were wearing Gandhi caps would be allowed to get in. Now the police cannot put on Gandhi cap.

Mr. BANKIM CHANDRA DATTA: Yes, they can do so, rather it will be honourable for them to do so.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, the police cannot wear a Gandhi cap.....and thus these people prevent the police from coming in. Suppose, another public meeting is held at which it is said that only those wearing red badges or Congress flags will be allowed to enter. Now, Sir, the police could not do that, and thus they would be prevented from coming in.

Mr. BANKIM CHANDRA DATTA: All imaginary contingencies.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, it is to guard against these methods by which the police can be prevented from taking notes of speeches at public meetings that this Bill has been brought forward. As far as guarding against the abuse of these powers by the police is concerned, you are here. If any one to-day thinks that there

has been an abuse of its power by the police—the next day you have got the right to move an adjournment motion. The adjournment motions are there. The no-confidence motions are there. There are the members of this House and we have got to assume that members of this House are reasonable persons. We have got to assume that members of the Legislature are responsible beings and if they find that any Government or any Ministry is allowing police officers to do something that cannot be justified publicly in this House, then they are bound to vote down the Ministry, it does not matter to which party they may belong. Such members are bound to vote against the Ministry, and the Ministry cannot stand.

This is the principle on which responsible Government is carried on. You have got to entrust wide powers to a responsible Ministry, so that they are not hampered in carrying out their lawful duties which are necessary for the protection of the public. (Mr. LALIT CHANDRA DAS: Question.) If those powers are abused, the powers which you have given to the Ministry, then you can take effective action. This is the fundamental principle of responsible Government. May I point out to the House that before the new constitution came in, the Criminal Law Amendment Act was the most abused Act in the whole of India, but to-day no provincial Government can do without it, and every province finds it a convenient Act for coping with subversive activities? There is hardly any provincial Government in India which is not glad to have this Criminal Law Amendment Act at its disposal with the result that the Criminal Law Amendment Act is being used more frequently now-a-days. As far as my friend Dr. Radha Kumud Mookerji is concerned, I feel inclined to compare him with Rip Van Winkle. He is still thinking that the United Provinces Government is continuing the order which dispenses with the necessity of reporting the speeches at public meetings. This was done when they first came into office. But very soon they found that it was impossible to do so. And I challenge, Dr. Radha Kumud Mookerji to state whether it is not the usual practice now at most of the meetings, specially *kisan* meetings, for the police reports to attend such meetings and take down notes.

Dr. RADHA KUMUD MOOKERJI: That is only in disturbed areas.

The Hon'ble Khwaja Sir NAZIMUDDIN: I had expected Maulana Akram Khan who went to Lucknow and who knows of these things to speak something about this matter. But let me tell you that I am sure every provincial Government in India, at the present time are sending the police to take down the speeches made at public meetings.

Mr. LALIT CHANDRA DAS: As well as to take down meetings in private houses?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have explained before why it has been necessary for Government to bring in this Bill. We should have been very glad not to bring in this Bill, but the reason for this Bill has been supplied by the other side.

Mr. LALIT CHANDRA DAS: From which side?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the Congress side. (Cries of "question, question".) Because, they deliberately made an invidious distinction between the general public and the police, and whereas the general public were allowed to enter a meeting on payment of annas eight or Re. 1, they charged Rs. 25, Rs. 50 or Rs. 75 for the police, and thus deliberately asked for trouble. They did this just as they found that the Public Security Act had lapsed, and they did so without any justification or reason. For 6 years they had allowed the police reporters to enter the meetings but just as they found that the Public Security Act had lapsed, they started this practice.

Dr. RADHA KUMUD MOOKERJI: On a point of information, Sir. I want to know definitely from the Hon'ble Minister what percentage of arbitrary abuse to which he refers has come under his notice. Is it always the case that the Congress is behaving in the manner that he has described?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am sorry that my friend Dr. Mookerji could not follow me. The *raison detre* of this Act is the action of the Congress in deliberately trying to make an invidious distinction between the general public and the police by trying to make them pay far more than what they charge from others. If they do that, surely they ask for an Act like this. If they had not acted like this, there would have been no necessity for this Act, if a public meeting remained a public meeting; so Government are bringing forward this measure in such a manner that people cannot easily circumvent it. That is why these wide powers have been given to the police. Unfortunately, he never studied the Public Security Act properly, otherwise he would have known that when the Public Security Act was passed, there the Commissioner of Police was given a power, under clause (2) of sub-section 2. It reads thus, "the District Magistrate means within the limits of the town of Calcutta as defined in the Calcutta Police Act of 1866 and of the suburbs of Calcutta as defined by notification under section 1 of the Calcutta and Suburban Police Act of 1866, the Commissioner of Police".

Mr. LALIT CHANDRA DAS: You are then reviving the Public Security Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Commissioner of Police has had this power for the last six years and can any member of the House from the Opposition cite one single instance of abuse of that power? This is the most important point to bear in mind. It is not for six months, it is not for one year, it is not for three years, but for six years this Act had been in force; can any member of this House cite one instance where this power has been abused and a private meeting place had been entered by the Police. Cite one instance——.

Mr. PRESIDENT: Order, order. The House now stands adjourned till 2-15 p.m. on Monday, the 13th March.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 13th March, 1939.

Members absent.

The following members were absent from the meeting held on the 10th of March, 1939:—

(1) Mr. Humayun Reza Chowdhury.
(2) Mr. Kamini Kumar Dutta.
(3) Nawabzada Kamruddin Haider.
(4) Mr. Mohammad Hossain.
(5) Mr. Naresh Nath Mookerjee.
(6) Mr. E. C. Ormond.
(7) Mr. H. P. Poddar.
(8) Khan Bahadur Kazi Abdur Rashid.
(9) Maharaja Sir Manmatha Nath Ray Chowdhury

B. G. Press—1939-40—127A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 13th March, 1939, at 2-15 p.m., being the seventeenth day of the First Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

The President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Frequent change of text-books for schools.

103. Mr. H. P. PODDAR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is aware—

(*i*) that there is a much too rapid change of text-books for schools necessitating an unnecessary burden on guardians;

(*ii*) that due to the demands of the Text-Book Committee, the profiteering publishers are having text-books written by mercenary authors;

(*iii*) that mistakes and misrepresentations abound plentifully in many of these text-books; and

(*iv*) that the school authorities select too many books for even the lower classes to the great detriment of our youngsters' health and brain?

(*b*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister kindly state what steps the Government are devising to prevent the evils mentioned in the said part (*a*) of the question?

(*c*) If the answer to part (*a*) be in the negative, will the Hon'ble Minister kindly appoint a committee to enquire into those allegations referred to therein?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) I have no information of excessive change.

(*ii*) Text-books for use in Government and Government-aided schools are approved by the Director of Public Instruction, Bengal, for a period of four years. Authors and publishers are invited to submit

books in use as well as new books for consideration by the Provincial Text-Book Committee after the expiry of this period. The text-books which were on the approved list are put on to the new list unless they have deteriorated considerably or are found to be decidedly inferior to new books submitted.

(*iii*) I have no such information. If any serious defects in any particular book are brought to the notice of the Director of Public Instruction, Bengal, immediate steps are taken to remove the books from the approved list. Minor defects are communicated to authors and publishers for correction.

(*iv*) Text-books are approved by the Director of Public Instruction, according to the syllabuses of studies prescribed by Government. Government are not responsible for any extra books if selected by the school authorities.

(*b*) Does not arise.

(*c*) I will have an enquiry made if a detailed statement of complaints is furnished.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state with reference to answer (*iii*), whether any minor defects were found in any of the books on the list, and whether any steps were taken with regard to any such books to remove them from the list?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to give details at the present time, but I can assure the hon'ble member that so far as removal of minor defects is concerned, the invariable practice is that, if a book is approved, it is approved subject to the removal of minor defects therein.

The copyists of the Calcutta Registry Office.

104. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the copyists of the Calcuta Registry Office jointly appealed to the Inspector-General of Registration, Bengal, on the 24th June, 1938, and again submitted a direct memorial to him on the 23rd August, 1938, for not being allowed to officiate in the leave vacancy of the clerks of the office?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy each of the two aforesaid memorials sent to the Inspector-General of Registration, Bengal, jointly by the copyists of the Calcutta Registry Office?

(*c*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action Government contemplate to take in the matter? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Representations were received from 3 copyists on the 24th June, 1938, and from 5 copyists on the 23rd August, 1938, against the filling up of leave vacancies of clerks by certain other copyists of the same office.

(*b*) Government do not consider that it will be in the public interest to lay on the table copies of these representations.

(*c*) Government propose to take no action. The petitions were enquired into by the Inspector of Registration Offices who found that no irregularity had occurred.

The daily copying work of each muharrir.

105. Mr. KRISHNA CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table the copy of circular letter No. 11306-32, dated the 5th August, 1938, issued by the Inspector-General of Registration, Bengal, to all the districts of Bengal, and to state whether it was mentioned therein that the daily copying work of each *muharrir* should not fall short of 12 pages and comparison work short of 24 pages as provided under paragraph 309 (*c*) of the Bengal Registration Manual?

(*b*) If the answer to the last portion of part (*a*) be in the affirmative, will the Hon'ble Minister kindly state whether the procedure is being followed by all the district offices and also the rural offices under the same?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a copy of the letter No. 412-26, dated the 18th January, 1939, issued by the District Sub-Registrar, Alipore, 24-Parganas, and kindly state the reasons why and under what circumstances the above circular is being permitted to be ignored in the rural offices by the District Sub-Registrar of 24-Parganas and other district authorities?

(*d*) Will the Hon'ble Minister be pleased to state whether in answering the question No. 275 (*c*) on the 22nd March, 1938, question No. 285 on the 25th March, 1938, question No. 70 on the 22nd August, 1938, and question No. 40 on the 12th August, 1938, put in the Bengal Legislative Council regarding the grievances of the copyists of the Registration Department, he stated, "They have got grievances and some very real indeed; and therefore we are trying to look into the matter so that something may be done for them"? What steps have been taken up till now by the Hon'ble Minister to examine the grievances as promised in the above statement?

(*e*) Has any step been taken in the matter? If so, with what result? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) A copy of Inspector-General of Registration's circular No. 11306-32, dated the 5th August, 1938, which will give the required information is placed on the table.

(*b*) Yes. Sometimes, however, it happens that the minimum standard is not reached owing to the fact that the *muharrirs* concerned have been employed on work other than copying or comparing work.

(*c*) A copy of the District Registrar's (not District Sub-Registrar's) circular order No. 412-26, dated the 18th January, 1939, is placed on the table. I have no information that the instructions contained in the above circular order are ignored in any rural office. The Inspector-General of Registration is, however, examining the whole system. I am awaiting his report.

(*d*) and (*e*) The matter is under the consideration of Government. As it concerns about 400 offices; some delay is inevitable.

Statement referred to in the reply to clause (a) of the question No. 105.

No. 11306-32, dated Calcutta, the 5th August, 1938.

From—The Inspector-General of Registration, Bengal,

To—All the District Registrars.

I have the honour to state that it has come to my notice that in some districts it is being insisted that the daily copying work of the *muharrirs* should not fall short of 12 pages. Paragraph 309 (*c*) of the Bengal Registration Manual provides that the minimum work to be done by a *muharrir* is 12 pages of copying and 24 pages of comparison. It is, of course, desirable that all *muharrirs* should perform the minimum amount of work but it has hitherto been the general practice to calculate this outturn on the monthly average. If a hard and fast rule is made insisting on the daily outturn of work and if a penalty is imposed in cases of failure to reach the daily minimum, it is likely to cause hardship on the *muharrirs* in cases of illness, private business, etc., and on the other hand to encourage submission of false statement of daily work.

While, therefore, every Registering Officer should try to get the full work done by all *muharrirs* employed under him, I consider it desirable that no *muharrir* should be liable to be punished for shortage of work on a particular day and that the minimum amount of work referred to above should be calculated on the total out-turn of the month.

Statement referred to in the reply to clause (c) of the question No. 105.

No. 412(26), dated Alipore, the 18th January, 1939.

From—The Registrar of the 24-Parganas,

To—The Sub-Registrar of (all).

A reference is invited to this office Memo. No. 10305-29, dated the 5th November, 1938, forwarding a copy of Inspector-General's letter No. 11306-32, dated the 5th August, 1938, regarding daily out-turn of copying work of the *muharrirs* in the registration offices.

Since the issue of the Inspector-General's letter referred to above, some of the registering officers in the district enquired if they would still insist on the *muharrirs* to copy at the rate of 14 pages a day or not.

The Inspector-General's letter does not contemplate to supersede the district order in force in any district. The intention of the order is that the daily out-turn of work should be calculated on the monthly average and that no penalty should be imposed if any *muharrir* fails to work the daily standard on a particular day.

Appointment in the Bengal Subordinate Educational Service.

106. Khan Bahadur ATAUR RAHMAN (on behalf of Khan Bahadur Kazi Abdur Rashid): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many persons were appointed in the Bengal Subordinate Educational Service and the Bengal Educational Service grades during the period between January to December, 1938, and how many of them were Muslims?

(*b*) Will the Hon'ble Minister be pleased to state why in the list of promoted officers the number of Muslims is very small?

(*c*) Does the Hon'ble Minister propose to take steps so that in future the number of Muslim officers is adequate in the case of departmental promotions?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) 28 persons were appointed of whom 11 were Muslims.

(*b*) It is not the policy of Government to fix percentages of appointments on communal basis in promotion cases.

(*c*) Does not arise.

Mr. KADER BAKSH: With regard to answer (*b*), will the Hon'ble Minister in charge think the desirability of considering promotion from a junior to a senior service as a fresh appointment?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, as a rule it has been recognised so long that all appointments from a junior service to a senior service, e.g., from the Subordinate Educational Service to the Bengal Educational Service are considered promotions.

Mr. KADER BAKSH: Does not the Hon'ble Minister think it desirable to change the circular order on this subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not at present.

Extension of the laboratories of the Chittagong College.

107. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the scheme for the extension of the laboratories of the Chittagong College has been sanctioned by the Government of Bengal? If not, when will it be sanctioned?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): A scheme for the extension of the laboratories of the Chittagong College at a cost of Rs. 31,289 capital and Rs. 1,172 recurring per annum has been accepted and awaits the provision of funds.

Provision for tiffin to students.

108. Khan Bahadur Maulvi MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that in a large number of schools in Bengal arrangements are made for tiffin for the boys?

(*b*) If the answer to (*a*) be in the affirmative, is the Hon'ble Minister aware that students are to pay something specially for it?

(*c*) Are Government aware that the guardians feel great hardships to pay for tiffin in addition to the tuition fees and other expenses incidental to education?

(*d*) Do the Government propose to make a sufficient provision for the tiffin of the students from the provincial revenues? If so, what should be the exact amount of grants?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Yes, in all Government high schools and some non-Government high schools.

(*b*) Yes, it is compulsory in Government high schools. In non-Government schools it is left to the discretion of the managing committees.

(*c*) No such complaint has been received.

(*d*) It is proposed to spend a sum of Rs. 41,400 out of the Youth Welfare grant during the next two years in giving tiffin grants to non-Government high schools and high and senior madrassahs.

Grievances of the employees of the Registration Department.

109. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that in answer to a supplementry question to Council question No. 40 on the 12th August, 1938, he admitted that the copyists of the Registration Department had real grievances and also promised to consider them favourably?

(*b*) Have any steps been taken or are proposed to be taken in the matter? If not, why not?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that in answer to Council question No. 256 of the 21st March, 1938, he admitted to have received deputations from the Registration Office staff of Bogra and Noakhali and he further admitted in the said reply that the grievances referred to by the deputationists were under the consideration of the Government? If so, have Government arrived at any decision on the matter? If so, what is the decision arrived at? If not, why not?

(*d*) Will the Hon'ble Minister kindly state whether in the answer to the Council question No. 257 of the 22nd March, 1938, he admitted that the question of revising the scale of pay and grade of the clerks and copyists of the Registration Department had been under the consideration of the Government? If so, have Government arrived at any decision on the matter? If so, what is the decision, arrived at? If not, why not?

(*e*) Will the Hon'ble Minister be pleased to state whether in answer to Council question No. 2 of the 8th August, 1938, it was admitted by him that there was a difference in pay of permanent copyists and clerks of the Registration Department? If so, what are the reasons of maintaining such a difference?

(*f*) Is it a fact that owing to the existence of the two scales of pay, most of the employees of the aforesaid department cannot reach their maximum pay at the time of retirement?

(*g*) Do the Government propose to abolish the differentiation in pay?

(*h*) Has the Hon'ble Minister received any petition from the All-Bengal Registration Employees' Association asking for permission to wait upon him on a deputation to represent before him their grievances? If so, was the deputation received by him and with what result; and if not, why not?

(*i*) Does the Hon'ble Minister propose to receive a yearly deputation from every branch of Government department with a view to have some sort of personal touch and sympathy between the head of the administrations and the subordinate staff?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) to (*d*) Yes. The matter is under my consideration. As it concerns about 400 offices in the province, some delay is inevitable.

(*e*) Yes. The difference is due to the different nature of the work done and the different degrees of responsibility attached thereto.

(*f*) and (*g*) Different scales of pay for different classes of employees under Government are appropriate owing to the difference in the nature of the work and in the responsibility attached. It is a fact that *muharrirs* promoted to the rank of clerks do not in some cases reach the maximum.

(*h*) Yes. The deputation has not yet been received, because the memorandum of grievances submitted by the Association is still under consideration.

(*i*) I am continually in touch with the departments under my charge and hardly think it necessary to make it a custom to receive every year a deputation from the subordinate staff of each department.

Bengal Legislative Council.

110. Mr. RANAJIT PAL CHOWDHURY: (*a*) Has the attention of the Government been drawn to the Hon'ble Prime Minister's statement made on the 8th October, 1938, at Karachi and circulated by the Associated Press of India throughout India and published in the *Amrita Bazar Patrika* of the 9th October under the caption "Cordial relations between Ministry and Services"?

(*b*) Will the Government be pleased to state whether the views expressed therein are the personal views of the Hon'ble Premier or of the Government?

(*c*) Is it a fact that the Hon'ble Premier stated during the course of an interview with Press representatives that in Bengal ten lakhs of rupees spent for the Upper House, could well be utilised for other purposes? If so, will the Government be pleased to state how the above figure of ten lakhs was arrived at by the Premier?

(*d*) Is it a fact that the present Bengal Legislative Council came into existence on the 1st April, 1937, with the inauguration of the new Constitution? If so, is it a fact that in the Revised Estimate of 1937-38, a provision of rupees two lakhs and two thousand only was made for the Council?

(*e*) Out of this provision, what was the actual amount spent during the year?

(*f*) Is it a fact that a provision of a sum of rupees two lakhs and forty-five thousand has been made in the Budget for the year 1938-39, and if so, is it a fact that the total expenditure provided by the Government in their Budgets for the Council since its inauguration is only about rupees four lakhs and forty-seven thousand and not ten lakhs as stated by the Premier in the course of the Press interview referred to above?

(*g*) Will Government be pleased to state whether the Premier obtained the figure of ten lakhs from any Government records; or was it an imaginary figure arrived at by the Hon'ble Premier? If it was obtained from any Government record, will the Government be pleased to lay such records on the table of the House? If not, why not?

(*h*) Will the Government be pleased to state whether any contradiction has been made either by the Premier or by the Government of Bengal that the figures given in the Press interview and broadcasted throughout India were wrong? If not, why not? Will Government be pleased to state whether the Hon'ble the Premier has a prejudice against the Upper House created under the Government of India Act?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) No; but I have since read what purports to be a Press report of the interview granted by the Hon'ble Chief Minister to the Associated Press.

(*b*) and (*c*) I have ascertained from the Hon'ble Chief Minister that the report does not contain a correct statement of facts.

(*d*) Yes.

(*e*) Rs. 1,75,116.

(*f*) A provision of Rs. 2 lakhs 45 thousand was made in the Budget for 1938-39. The total estimated expenditure since the inauguration of the Council is as follows:—

			Rs.
Actuals, 1937-38	...	...	1,75,116
Revised, 1938-39	...	...	2,43,700
Budget, 1939-40	...	...	2,58,000
	Total	...	6,76,816

(*g*) The question does not arise.

(*h*) In view of the fact that the statement published in the Press was not brought to the notice of the Hon'ble Chief Minister earlier, no contradiction was issued. The Hon'ble Chief Minister entertains no prejudice against the Upper House.

Mr. RANAJIT PAL CHOUDHURY: With reference to answers (*b*) and (*c*), will Government issue a correct statement and publish it?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that it is necessary at the present moment.

Mr. RANAJIT PAL CHOUDHURY: With reference to answer (*h*), will a contradiction be issued and published?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sure this reply is more effective than any contradiction published in the press.

110(a). Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if his attention has been drawn to the awful and staggering figure of infant mortality and of deaths of mothers after child-birth in Bengal as disclosed in the annual report of the Public Health Department?

(*b*) If so, what measures has the Hon'ble Minister taken upto this time and is further proposing to take to prevent this loss of lives year after year?

(*c*) Has the attention of the Hon'ble Minister been drawn to Doctor Neal Edward Statistical enquiry in the case of Calcutta, revealing 3·7 per cent. non-preventible and 96·8 per cent. preventible infant death and deaths after child-birth?

(*d*) If so, has the Hon'ble Minister taken any step to launch a country-wide propaganda against this matter? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) I am aware of the high rates of infant and maternal mortality in the province.

(*b*) and (*d*) Annual grants are made by Government towards the training of indigenous *dais* and further steps are under contemplation with a view to improving the training. Grants are also made towards maternity and child-welfare centres as well as health welfare committees and exhibitions for educative propaganda work. The solution of the problem lies largely in the spread of maternity and child-welfare centres in the rural areas including arrangements for home

visiting. Provision has been made for substantially assisting local bodies and voluntary organisations in establishing and maintaining maternity and child-welfare clinics and centres.

It has been decided to appoint a Lady Superintendent for maternity and child-welfare work whose duties will be to co-ordinate the work that is now being carried out by local bodies and voluntary associations, to educate public opinion, to investigate into the probable causes of infant mortality and maternal deaths and generally, to suggest means for improving the present state of things. The whole matter is under my careful consideration.

(*c*) Yes.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister kindly state since when this child mortality has increased? We want an approximate time.

The Hon'ble Mr. TAMIZUDDIN KHAN: I am unable to say.

Mr. KADER BAKSH: Does the Hon'ble Minister think that the grants which have been made to maternity and child-welfare centres are adequate?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, that is a question of opinion, should I reply?

Mr. PRESIDENT: You are not bound to answer, but if you like you can.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the grant may not be adequate, but nothing more has been within the means of the Government.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the rate of infant mortality per thousand in the province for the current year or for any year within the last two or three of which he may have figures?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether there has been any increase or decrease in the rate of infant mortality within the last ten years?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. RANAJIT PAL CHOUDHURY: Sir, may I draw the attention of the House to unanswered questions, and may we know, Sir, how many questions are still remaining to be answered?

Mr. PRESIDENT: I have got from the Office a statement of the questions that remain unanswered.

Education Department	22
Home Department	4
Revenue Department	1
Communications and Works	2
Co-operative Credit and Rural Indebtedness Department	1
Public Health and Medical	2
Agriculture	1

Mr. HUMAYUN KABIR: I have, Sir, some questions with regard to the Commerce and Labour Department which have not been answered yet.

Mr. PRESIDENT: The statistics only give the number of questions that are due to be answered, that is, in regard to which 15 days have elapsed since notice had been received.

Mr. HUMAYUN KABIR: More than a month has elapsed, Sir, so far, at any rate, as my questions are concerned.

Mr. RANAJIT PAL CHOUDHURY: Sir, may I submit that this is a direct infringement of the rights and privileges of the members of this House. This is continually going on from one session to another. May I request you, Sir, to exert your influence so that we in this House can get our questions answered during the session. To-day, I believe will be the last day, and we will meet after another month or so, and again next month the same procedure of keeping the questions hanging will perhaps continue.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that in view of the figures that have been read out, the comment made by the hon'ble member is not justified. After all, I am certain and I can state without any fear of contradiction that the percentage of questions unanswered is ten times better than in any other Assembly or Council. The number of questions relating to the Home Department that have not been answered is only four, and I am surprised even at this, because I was under the impression that practically every one of them has been

answered. Very likely, the information sought could not be compiled, and the result is that these questions have not been answered. It is certainly not due to want of attention, as far as the Home Department is concerned. I can state that I have taken very particular care this time in answering those questions, and I doubt very much that there has been very much delay beyond the 15 days' notice for answering these questions. I am sure that we have answered well over 30 or 40 questions and only 4 questions now remain to be answered. Similarly, about all other departments only one or two questions remain to be answered.

Mr. HUMAYUN KABIR: Why then 22 unanswered questions under the Education Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the only Department, where there has been some delay. But it is in view of the fact that questions are put sometimes for which it is very difficult to get information from the Mufassil offices. Therefore, it is possible that there has been delay in answering these questions; but even taking the number of questions that the Education Department have answered, I am sure the number of questions that have not been answered is much less than what has been answered.

Mr. LALIT CHANDRA DAS: May I refer to particularly one question, Sir? I gave a short notice question referring to certain incidents in Noakhali and that refers, Sir, to certain breaches of the river Meghna by which a very large number of people have been affected and some people also died. With respect to that, Sir, I gave a short notice question for answer. Not only the period for such a question has expired, but also the period for answering it as an ordinary question, that is 15 days, have elapsed. This is a very important matter for the people to know about.

Mr. PRESIDENT: There is a general complaint about the questions in regard to which due period of notice has elapsed. Mr. Das is complaining of a short notice question, which I understand the department concerned has not accepted as a short notice question. It will therefore be answered as an ordinary question in due course after the lapse of 15 days. I find that one department, namely, the Education Department, is the worst offender in not answering questions in time. As mentioned by the Hon'ble Home Minister, largest number of questions are directed against that department. However, things are improving and the ultimate remedy lies with this House. As I have already said, they can make rules making it compulsory on the part of the Government to give answers to questions tabled on the due date.

Khan Bahadur ATAUR RAHMAN: On a point of information, Sir. May I know whether we shall have to give notices of those questions which will remain unanswered or they will be answered in due course?

Mr. PRESIDENT: No notice will be necessary. Answers will come as a matter of course and the replies will be communicated to the hon'ble members.

Dr. RADHA KUMUD MOOKERJI: May I know if the questions will become time-barred?

Mr. PRESIDENT: By prorogation, the notice of questions will not be cancelled.

GOVERNMENT RESOLUTION

The Calcutta and Suburban Police (Amendment) Bill, 1939.

The House will now resume further discussion of the motion of Sir Nazimuddin that the Calcutta and Suburban Police (Amendment) Bill, 1939, be taken into consideration, and the amendments moved thereto by Mr. Lalit Chandra Das, Mr. Humayun Kabir and Mr. Shrish Chandra Chakraverti.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have not very much to add to what I said the other day. I would like to emphasize one point, namely, that in Calcutta for a large number of duties, the Commissioner of Police has got the same status, position and responsibilities as that of the District Magistrate in the districts. This is one of the reasons why in the Public Security Act, the Commissioner of Police has been placed in the same line with the District Magistrate. Besides, all the executive functions of a District Magistrate are more or less entrusted to the Commissioner of Police. Therefore, when we have asked for entrusting these powers to the Commissioner of Police, it is equivalent to entrusting the powers to the District Magistrate. I hope, Sir, the House is now satisfied that it is absolutely essential for Government to have the power to send police constables to take down proceedings of meetings——

Mr. SHRISH CHANDRA CHAKRAVERTI: Constables? It is in the Act "Head Constable". Do you want to go lower down?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Head Constable, nothing more than what is in the Act. I consider it of fundamental importance for the hon'ble members to bear in mind that exactly

similar provisions were in force in Calcutta and suburbs for the last six years without any one having felt any inconvenience or even being aware of the fact that these provisions were there. If for six years a thing could have worked satisfactorily, I see no reason why in the future if a similar provision is made, it is not going to work satisfactorily. I, therefore, hope that the hon'ble members will withdraw their motions for circulation.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Lalit Chandra Das that the Calcutta and Suburban Police (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939, since which an amendment to this amendment has been moved by Mr. Shrish Chandra Chakraverti that for the figures and words "31st December, 1939", the figures and words "31st May, 1939" be substituted. The question before the House is that the amendment of Mr. Shrish Chandra Chakrayerti be made.

House divided:—

AYES—9.

Mr. Shrish Chandra Chakraverti.
Mr. Lalit Chandra Das.
Mr. Bankim Chandra Datta.
Mr. Narendra Chandra Datta.
Mr. Humayun Kabir.
Rai Bahadur Brojendra Mohan Maitra.
Dr. Radha Kumud Mookerji.
Mr. Ranajit Pal Choudhuri.
Mr. H. P. Poddar.

NOES—25.

Mr. Mosbahuddin Ahmed.
Mr. Nur Ahmed.
Mr. Kader Baksh.
Sir E. C. Benthall.
Mr. Hamidul Huq Chowdhury.
Khan Sahib Abdul Hamid Chowdhury.
Mr. Khorshed Alam Chowdhury.
Khan Bahadur Rezzakul Haider Chowdhury.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mr. R. W. N. Ferguson.
Khan Bahadur Saiyed Muazzamuddin Hosain.
Khan Bahadur Syed Muhammad Ghaziul Huq.
Khan Bahadur Maulvi Muhammad Ibrahim.
Khan Bahadur Muhammad Asaf Khan.
Mr. T. Lamb.
Mr. J. McFarlane.
Khan Sahib Subidali Molla.
Begum Hamida Momin.
Khan Bahadur Ataur Rahman.
Mr. Mukhlesur Rahman.
Rai Bahadur Radhica Bhusan Roy.
Mr. Krishna Chandra Roy Chowdhury.
Mr. Saileswar Singh Roy.
Mr. D. H. Wilmer.

The motion was lost.

Mr. PRESIDENT: The question before the House is that the Calcutta and Surburban Police (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

The question was negatived.

Mr. PRESIDENT: The question before the House is that the Calcutta and Surburban Police (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

The question was negatived.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Khan Sahib Abdul Hamid Chowdhury,
(3) Mr. Kader Baksh,
(4) Mr. Nur Ahmed,
(5) Mr. T. Lamb,
(6) Maharaja Sir Manmatha Nath Ray Chowdhury,
(7) Rai Brojendra Mohan Maitra Bahadur,
(8) Mr. Srish Chandra Chakraverti,
(9) Mr. Narendra Chandra Datta,
(10) Mr. Naresh Nath Mookerjee,
(11) Mr. Humayun Kabir, and
(12) the mover,

with instructions to submit their report by the 31st July, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Dr. RADHA KUMUD MOOKERJI: Sir, may I suggest a point of procedure?

Mr. PRESIDENT: Let Mr. Das move his motion first.

Mr. LALIT CHANDRA DAS: Sir, if my memory serves me aright, it was a Calcutta constituency which gave Sir Nazimuddin shelter after Patuakhali, and it is to Calcutta now that he presents this outrageous definition of a "public meeting" so as to include also meetings in a private house without even so much as consulting her, without even so much as agreeing to my motion for circulation with a view to eliciting opinion thereon. Sir, would it be too much now to expect that Sir Nazimuddin should at least agree to refer the Bill to a Select Committee, small though the Bill is, for examination of its provisions

with all their implications? Sir, I was amazed to hear Sir Nazimuddin, the other day, he took my breath away as I listened to him, laying down the proposition that as popular Ministers responsible to the Legislature, they should be entrusted with all possible powers for use when necessary, and that no harm would result therefrom. Sir, does Sir Nazimuddin want to be a Hitler or a Mussolini? Does he want to convert an autonomous Bengal into a totalitarian or an authoritarian State? Sir, it is high time that Sir Nazimuddin should note that according to the principles which govern all democratic countries, the executive is not to be armed with more powers than what is necessary, than what the situation demands. The Assemblies are there to give them such powers as may be found necessary according to the exigencies and according to the circumstances of the situation. The point which he has raised and which I most emphatically repudiate has coloured his outlook and vitiated the Bill. It should be for a Select Committee to deliberate and report to the House whether more powers should be given that what is necessary and whether the power which Sir Nazimuddin claims for the police is just and proper under the circumstances. Sir, I maintain that it is a very serious thing,—this right of the police to poke their noses and to appear with a note book and pencil, at all times and at every place and thus to interfere with the civil rights and liberties of the citizens and the right of free association. Then, Sir Nazimuddin has stated that after expiry in December last of the life of the Public Security Act, the police were subjected to the process of purchasing tickets at some public meetings. Sir Nazimuddin surely does not mean thereby that this was the whole reason for the Bill? For, then such a fact would have found a prominent place in the Statement of Objects and Reasons of the Bill. Sir Nazimuddin did not give the House any intimation as to the number of times that the police had to pay and in what places, whether private or a public place, and the credentials of the persons who demanded the price, besides simply saying that they were Congressmen. For, who knows that they were not *agent provocateurs*, after all? Sir, I repudiate the suggestion that they were Congressmen. After all, the Ministry attaches no importance to it, for then this fact would have at least been mentioned in the Statement of Objects and Reasons of the Bill. Now, the Hon'ble Minister in search of an explanation in favour of the Bill had to stumble upon this excuse and told the House that the police had to purchase tickets for attending some public meetings, God knows where and when. It is, therefore, felt necessary, Sir, that a Select Committee should deliberate upon the provisions of this Bill and report to the House whether this complaint of the Home Minister can be considered a sufficient cause for making such a drastic change in the definition of the word "public meeting", so as to include within it meaning also in private and other places, notwithstanding that admission thereto is restricted by tickets or otherwise. Sir, the Hon'ble Home Minister told us that the Commissioner

of Police had been enjoying this power up to December last under the provisions of the Public Security Act. True, but I regret to have to observe that the Home Minister very conveniently ignores the circumstances under which, and the period for which, the Commissioner of Police held those powers. Sir, the Public Security Act was admittedly a temporary measure, designed to meet a state of emergency in Bengal; that emergency expired and with it also the life of that measure, and with that also the powers of the Commissioner of Police under that Act. What is wanted now is that the Commissioner of Police should be re-invested with those powers. Sir, is the Hooghly on fire, has the present Ministry grown so nervous about its position that they must have the police to report what is taking place in the camps of the Opposition, or what are the combinations that are taking place in social gatherings? Are the iniquities of the present Ministry such that they must needs be nervous about religious meetings also? Sir, democracy must stand or fall with the observance or non-observance of the principle of reason, justice and fair-play. If without justice and reason, a Bill such as the one under notice is enacted into law simply by tyranny of votes, then democracy degenerates into mobocracy. The Public Security Act of 1932 has been allowed to lapse in December last. Here is an official admission that no emergency now exists, and that the situation is normal. This we all know is true. What has then caused Sir Nazimuddin now to extend the ordinary meaning of the words "public meeting", and re-invest the Commissioner of Police with extraordinary powers? Is it justice? Sir, the Calcutta and the Suburban Police Act of 1866 did not define a "public meeting", but defined only what a public place is, and it rested content with that only, for when a meeting would be held in a public place which was defined, it will be a public meeting. The Commissioner of Police has been given ample powers under several sections of these Acts to deal with public meetings. In fact, the whole Act was designed to meet the actions of the public in relation to public places with an eye to the maintenance of Law and Order in Calcutta and its suburbs. The Explanations in sections 2 and 3 of the Bill are altogether foreign to the principle and spirit of those Acts. They seek to import the definition of "public meeting" from two most repressive measures and to engraft them upon the Calcutta and Suburban Police Act. It would disfigure and disgrace the Statute Book in the name of all that is just and fair. I urge upon the Home Minister to abandon such an attempt. Sir, this is a measure which should not be rushed through without reference to the Select Committee for its report. The Amendments suggested are many and various. The Select Committee should calmly consider them and I ask my friends opposite to consider if there is any emergency to rush the Bill through. I ask them to consider whether they should not be assertive when Government would stand where they are without losing their place by reason of this Bill being referred to a Select Committee.

The position of our good friends, Sir Edward Benthall and his group, is surely very reasonably sweet. They are for investing the police, particularly their friend the Commissioner of Police, with extraordinary powers of sending his subordinates to all possible and impossible places for reports when that place happens to be in India and so long as that place is not in England. Sir, I may, however, tell Sir Edward Benthall and his party what I said on Friday last that if the home of an Englishman is his castle, the home of every Bengalee is the abode of Gods and Goddesses. With these words, Sir, I commend my motion for the acceptance of the House.

Mr. PRESIDENT: Motion moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Khan Sahib Abdul Hamid Chowdhury,
(3) Mr. Kader Baksh,
(4) Mr. Nur Ahmed,
(5) Mr. T. Lamb,
(6) Maharaja Sir Manmatha Nath Ray Chowdhury,
(7) Rai Brojendra Mohan Maitra Bahadur,
(8) Mr. Srish Chandra Chakraverti,
(9) Mr. Narendra Chandra Datta,
(10) Mr. Naresh Nath Mookerjee,
(11) Mr. Humayun Kabir, and
(12) the mover,

with instructions to submit their report by the 31st July, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Khan Bahadur M. Abdul Karim,
(3) Khan Bahadur Ataur Rahman,
(4) Mr. Kader Baksh,
(5) Mr. D. J. Cohen,

(6) Maharaja Sir Manmatha Nath Ray Chowdhury,

(7) Mr. Bankim Chandra Datta,

(8) Mr. Naresh Nath Mookerjee,

(9) Mr. Shrish Chandra Chakraverti,

(10) Khan Bahadur Rezzaqul Haider Chowdhury,

(11) Mr. Khorshed Alam Chowdhury,

(12) Khan Sahib Abdul Hamid Choudhury,

(13) Mr. Narendra Chandra Datta, and

(14) the mover,

with instructions to submit their report by the 15th of April, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

May I, Sir, add one or two names please?

Mr. PRESIDENT: Yes, if you have their consent.

Mr. HUMAYUN KABIR: Sir, I want to add the names of Sir Edward Benthall and Rai Manmatha Nath Bose Bahadur to this list.

Sir, I do not propose to make a long speech in supporting this motion for Select Committee, but I think what Sir Nazimuddin told us on the last occasion gives additional reasons for sending the Bill to a Select Committee instead of taking it on the floor of the House for discussion. I know that one point which will be brought up is that a simple Bill like this with only two or three clauses should be dealt with in the House. I know it will also be said that this is the first Bill which has been introduced in the Bengal Legislative Council and therefore we should take it on the floor of the House and not adopt dilatory tactics. Sir, this is the first Official Bill introduced here and though belated, I express my congratulations to the Ministry for having introduced this Bill first in this House.

However, I come back to the Bill. It is not a Bill about which we can feel very happy as I expressed last time, and I think the Hon'ble Home Minister in his argument felt the force of some of the arguments which I put forward. That is why he evaded the main point of my criticism and tried to meet my argument by criticising one particular statement in my speech. But in this also, I think either I did not make myself sufficiently clear or probably he was not able to understand what I meant. The point which I tried to make was that this refusal to give such powers to the Commissioner of Police, Calcutta, was not due to any oversight. This is proved by the fact that when the old Bill was amended in 1911, the power was deliberately taken from the Police Officers and given to a District Magistrate; and after 1911, 27 years have

passed and there has been no necessity of giving such powers to Police Officers. Twenty-seven years is surely enough to bring to the notice of the Government any oversight that might have occurred. Sir Nazimuddin made great play with the argument that in 1932 some powers were given to the Police Commissioner, but he entirely overlooked the fact that in 1932 these powers were given to the Police Commissioner as an emergency measure. Therefore even in 1932, when the Government was facing a crisis, when there was trouble all over India, even during that period the Government did not think it desirable, did not think it necessary, did not consider it advisable to give such powers permanently to the Police, and to-day Sir Nazimuddin is trying to do something which the Governments of 1911 and 1932 did not want to do. That was the point of my criticism, and I think in attempting to evade that point, Sir Nazimuddin has by implication admitted that the Government have no case for bringing forward this Bill to-day in order to give such powers permanently to the Police.

Then, Sir, there is one other point to which also I think it is necessary to draw the attention of this House. We did not force it, but there was a division on the question of circulation. We voted in favour of this Bill going to circulation instead of being considered on the floor of the House, because we wanted it to be recorded that we do not accept the principle of this Bill. If this Bill goes to the Select Committee, and the motion which I am now making is a motion for referring it to a Select Committee, to some extent we are conceding the point which formally we have tried to oppose. We at first detested the idea of this Bill being referred to a Select Committee at all. We wanted it to go to circulation, and the Government know better than we do that very often Bills are sent to circulation only in order to postpone them in the hope that they may never be revived. That was the idea in our minds in moving for circulation.

I want to state categorically that the principle which underlies this Bill is a principle which cannot be acceptable to me personally and I believe also to many members of this House; because it goes against the idea of giving the public an opportunity of discussing freely any question any way they like. Here I would like to draw the attention of the European members of this House to the conditions which obtain in England. In London, in the Hyde Park, as they know better than most members of this House, any sort of speech is allowed. There are communists, there are anarchists, there are those who believe in the abolition of monarchy and there are those who believe in the abolition of practically every known institution in the world. And yet they are allowed to go on, day in and day out, week in and week out, year after year, they are allowed to state their opinions before the public and the British Empire has not yet collapsed in spite of the fact that this has been going on for, I do not know, how many years. No

'police reporters, I believe, are present in such meetings. There has never been known any case of any prosecution on the basis of any such speeches in the Hyde Park corners. Of course Hyde Park corner oratory has often acquired a rather derogatory sense, but we are not concerned with that. There is perfect freedom of expression of opinion there and there is no interference whatsoever with anybody expressing any sort of opinion any way he likes.

Mr. Lalit Chandra Das made a point which I think every European member in the House must consider. It does not do to have two different set of laws; you cannot have one set of laws for England and another set for this country. I would draw the attention of the European members of this House to the very serious warning which Lord Hewart, the Lord Chief Justice of England, was constrained to make in his book "The New Despotism", where he pointed out how gradually a new sort of policy, a new sort of control, a new sort of tyranny was developing, which interfered with the civil liberties of the people of England. I feel that European members of this House, if they support a Bill like this, if they support any restriction of civil liberties in India, are bound to be affected in their own turn by such restriction of civil liberties when they go back to their own country. Fascism in India and Liberal democracy in England will not go together, and therefore any such fascistic method,—and I think I can with justice apply that term to the Bill which has been brought before us,—this sort of fascistic method in India and Liberal democracy in England will not go together. If here they are prepared to support a Bill like this and allow this sort of interference with the rights of private citizens to discuss in any way they like any question, it is bound to affect their own social life and the consequence will be such which no Englishman with his past history can relish.

There is another point which is important in connection with the motion for reference to Select Committee. It has been made sufficiently clear on the floor of the House and I think the European members of the House also appreciate the fact that in the case of the Bill there is room for great deal of improvement. The definition of public meeting which has been given is so vague, so wide that as I pointed out last time, it would include anything from a marriage feast to a funeral meeting. If such a wide definition be given to the term "public meeting", if such wide powers be given to the Police, who knows in what manner this power may be used? Here I would ask the present Government to remember this. Col. Muirhead when he came recently to India remarked after his experience of parliamentary Government in different provinces, that in India most Oppositions seem to think that they will be permanently in opposition and most Governments seem to flatter themselves with the idea that they will remain permanently in office. That is a mentality which has to go. If from

the Opposition we are fighting for extending the liberties of the citizens, fighting against any encroachment upon the liberties of private citizens, the Hon'ble Ministers who are in office to-day should remember that we are fighting for their liberties. For who knows that in two years' time they will not find that tables have been turned? Who knows that in a couple of years' time they will not be thankful for any sort of guarantee which secures to them the right of associating freely and discussing plans and policies of their own parties? Therefore, Sir, from that point of view I say it is desirable that such a Bill should not be discussed on the floor of the House, but should go to the Select Committee in order to ensure that if we are to give such powers to the Police at all, it should be done in such a way that there is the least amount of interference with the rights of private citizens to discuss matters in any way they like.

There is one other point which has also to be remembered. To-day we have a Government which is responsible to a particular political party and therefore it is inevitable that that Government must to some extent reflect the colour and political mentality of the party which has put it into office and keeps it there. And if the policy of the Government is in this way coloured by the policy of any particular party, we must have special safeguards that this policy does not in any way affect the neutrality of the Services. What guarantee is there that if a Bill like this is now passed which enables the Commissioner of Police of Calcutta to send his officers to meetings of any type, anything which may be called a public meeting (using the word in the widest sense of the term), what guarantee is there that the Police Officers will not go to the meetings of the political opponents of the present Ministry and see to it that they cannot frame any policies, that they cannot plan anything by which they might perhaps try to oust this Ministry which they have every legitimate right to do? Therefore, Sir, from that point of view also it is desirable that an instrument like this should not be placed in the hands of the executive, particularly when the executive is responsible to the Ministry which in its own turn is responsible to a particular political party. It is natural for that political party to work as hard as it can and in as many ways as it can to maintain itself in power. All these considerations are there, and therefore the point that we should take this Bill on the floor of the House and amend it in such a way that the rights of the private citizens are sufficiently secured, is not tenable. It will require very careful drafting, and the draft which has been presented to us is obviously one which is unsatisfactory. If the Government with all its officials to help it and with a considerable amount of time and knowledge, unhampered by any discussion or controversy on the floor of the House could not evolve a better formula, what prospect is there that on the floor of the House, on the spur of the moment, during a heated

discussion, we can evolve a formula which will remove these defects and safeguard against these dangers which are very real dangers?

Sir, there is only one other point which I shall touch upon before I conclude. If this Bill in the present form is going to be passed, it may, as I have suggested, lead to corruption in the executive, it may lead to interference with the rights of those who are opposed to the policy of the present Ministry. This is particularly important to remember, because we find from our experience that persons, who do not see eye to eye with the policy of the present Ministry have had to face difficulties which is not generally the position in other countries of the world. I know that the Hon'ble Minister will probably say and I know that probably the members of the European Group will say that the police have certain powers in other countries as well. But in those countries the Opposition is safeguarded in a way which we do not find in this province. We have found on more occasions than one that our rights have been interfered with and that persons who have been known to be definitely opposed to the policy of the present Government have not had that freedom of action which is the right of every one of us as members of this Legislature.

With these words, I commend my motion to the acceptance of the House, for as I have tried to point out in moving for reference to Select Committee that we have already to a great extent conceded to the point of view of the Government that some sort of report of public meetings is to be allowed. We have gone further than we had intended to, but in order to effect a compromise this is the term which we offer to the Government. We have gone so far, and they should also come half way to meet us and help us by joint deliberation to evolve a formula which will safeguard us from the dangers to which I have tried to draw the attention of the House.

Mr. PRESIDENT: Motion moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur M. Abdul Karim,

(3) Khan Bahadur Ataur Rahaman,

(4) Mr. Kader Baksh,

(5) Mr. D. J. Cohen,

(6) Maharaja Sir Manmatha Nath Ray Chowdhury,

(7) Mr. Bankim Chandra Datta,

(8) Mr. Naresh Nath Mookerjee,

(9) Mr. Shrish Chandra Chakraverti,

(10). Khan Bahadur Rezzakul Haider Chowdhury,
(11) Mr. Khorshed Alam Chowdhury,
(12) Khan Sahib Abdul Hamid Chowdhury,
(13) Mr. Narendra Chandra Datta,
(14) Sir Edward Benthall,
(15) Rai Manmatha Nath Bose Bahadur, and
(16) the mover,

with instructions to submit their report by the 15th of April, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Order, order, The Chair desires the House to realise the implications of these motions. A motion for circulation does not commit the House to its principles, but the acceptance of a motion for reference to the Select Committee commits the House to the acceptance of the principle underlying the Bill.

Dr. RADHA KUMUD MOOKERJI: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Mr. Kamini Kumar Dutta,
(3) Mr. Srish Chandra Chakraverti,
(4) Maharaja Sir Manmatha Nath Ray Chowdhury,
(5) Mr. Humayun Kabir,
(6) Maulana Akram Khan,
(7) Khan Bahadur M. Abdul Karim,
(8) Sir Edward Benthall,
(9) Mr. T. Lamb, and
(10) the mover,

with instruction to submit their report by the 15th March, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, as you rightly pointed out, the Opposition must reconcile itself to the fate that it is compelled to accept the principle of this very nefarious measure, but considering the circumstances surrounding the Opposition, circumstances relating to the composition of this House in particular, the Opposition cannot but feel that it has to frame a

system of strategy in its legislative work. That strategy would be to propose a series of motions aiming at the improvement of the Bill, and at the same time the Opposition is under no delusion as to the fate of their proposals, so that, although the fate of the Opposition would be to experience a series of defeats, it does not mean that the Opposition is abating in any way its fundamental position of unqualified opposition to a measure of the kind that has been introduced. Now, Sir, as regards my proposal about a particular Select Committee, I have made another concession, namely, that I quite realise that the contents of the Bill are very simple in appearance, and that such a Bill may be disposed of by the Select Committee within a very short time. I therefore want to impress upon the Government this point, that the Opposition does not want at all to be obstructive in any way. It wants that the Select Committee should report at once and I have fixed the 15th of March as the last date for submitting its report.

Rai KESHAB CHANDRA BANERJEE Bahadur: But to-day is the 13th, so how can the thing be finished in two days?

Dr. RADHA KUMUD MOOKERJI: Well, we can sit down to it at once, or, if you like, we can extend the date by a few days, but that is another matter. Now, I want to explain why a measure of this kind should at least be given the scant courtesy of a thorough examination by a Select Committee properly composed. In the composition of my Select Committee, I have included all the party leaders including Mr. Humayun Kabir. I thought that in the composition of my Select Committee, the entire opinion of the House should be reflected by getting hold of all the party leaders. Now as to the substance of my motion, I want the Hon'ble Minister not to be obsessed by any notion of prestige that, simply because he has introduced his measure in his own way, he should not appear as if he is above all argument, and not amenable to any kind of reasoning. I therefore expect that he will reply categorically to the objections that I am bringing forward on the floor of this House. Now, firstly, there is a very fundamental objection, namely, that the Bengal Government is more and more differing radically in its character from the majority of the Provincial Governments functioning under the new constitution. This Bill may be a very small matter, but this small matter is fraught with large possibilities, and possibilities of mischief. By this one short Bill, the Hon'ble Home Minister, to whom the country looks for the preservation of Law and Order,—by this one simple measure—the Hon'ble Home Minister is ruthlessly laying a blow at the very structure of civil rights and liberties. I am using this expression not in a spirit of exaggeration, for if this Bill can take the place of an Act, if it is really passed, then, what happens to the entire system and structure of civil liberties? We shall then all feel that there is neither privacy nor safety even in the

life of the home or in the domestic sphere, and on the ground of this pretext and that, the police will be at liberty to take the offensive and then the burden of defence will be thrown upon the poor house-holder who will have to prove that a meeting which was invaded by the police was not in fact a public meeting, but strictly a private meeting. Now, Sir, the onus of proof in this very disagreeable transaction is thrown ruthlessly by the Home Minister upon the shoulders of the pacific house-holder. Of course, a Bill should be judged by the extreme abuses to which it can lend itself. It will be no answer to my argument to say that, ordinarily it won't be done, that there is the privilege of interpellation which this House has and that M.L.A's. and M.L.C's. would be expected to rise up in their places putting questions on the matter, thereby checking the vagaries of the police. All this is absolutely beside the point. The question is whether the Bengal Government of 1939 is really trying to place upon the Statute Book a black Act of this character by which the very foundations of civil liberties will be threatened. Now, apart from this general position, I wish to maintain that so far as the Government of Bengal is concerned there has been only a theoretical change-over from the system of the old despotism, but in practice we are in the same darkness as before. There has been no progress to record towards real responsible self-government. We can prove that by reference to this Bill and we can now prove that by the measures that are being silently forged in the nefarious factory of the Home Department, where all kinds of weapons are manufactured by which the civil liberties of the people will be attacked.

Now, Sir, I want the Hon'ble Home Minister to answer the following three points. I hope that the Home Minister will concede that the Bengal of 1939 is democratically far more advanced, is radically altered as compared to the Bengal of 1907, of those exceptional times consequent upon the agitation against the Partition of Bengal. Those were very very exceptional times, not merely in the history of Bengal, but also in the history of the whole of India. Then, I come to the year 1911 from which the Home Minister has been pleased to draw his inspiration for his conception of democracy and liberty. But is he prepared to argue that in the year 1939, Bengal should go back to the year 1911 and if possible, even to 1907? Then, when you consider the exceptional legislation which was proposed to deal with very exceptional emergencies and situations of those times, is he prepared to argue that the same exceptional circumstances have compelled him to introduce this measure? In those days when the liberties of the country were seriously curtailed, even in those days there was a concession made by the Governments of those days to three points: Firstly, that exceptional legislation could be allowed only in a state of emergency. So I want the Home Minister to kindly reply on this point whether a state of emergency has arisen in Bengal. Whenever it suits the present Government, it always congratulates itself upon the fact that it has

accomplished so much of progress in the various fields of national life that it has been responsible for enlarging the liberties of the people. But if they in the same breath have to admit that there are emergent circumstances springing up in the country over which they have no control, except through this exceptional piece of legislation, then they stand condemned by their own mouth. They must make the confession that they are responsible for creating this state of emergency. My second point is that such a Bill which is fraught with such powers of mischief should be restricted in its operation to a very limited field, namely, that special areas may have to be "proclaimed", within which it must be declared that there is a state of emergency which has supervened. My third point will be this: that even those black laws, those lawless laws, even they had but a temporary lease of life; even they were not permanently placed on the Statute Book. I want to hear from the Home Minister what he has to say on this very material point, so that my argument is that he must prove that there is a state of emergency in the midst of which we are all living; at least we on the Opposition side of this House do not feel that there is any kind of emergency anywhere except in the hyper-sensitive Home Department which has another angle of vision, and we cannot follow them in their ideas. So my first point is as to the existence of an emergency. My second point will be that this measure should be of a temporary duration and should not have a permanent place in the Statute Book. My third point is this: that areas should be declared and notified. It is not as if this law will operate over the whole of the Presidency automatically, without any restriction as to its operation. Now, I come to other points which are equally vicious and which are equally innovations. I am afraid that in this Bill so far as it goes, the Hon'ble Minister can take credit to himself for making some very important improvements upon the scheme for the curtailment of the civil liberties of the people. Now, look at the very innocent words "other person". By God, I could not understand what this means. I had fully exercised my mind over this simple phrase but I could not understand the meaning of these words in the least. The Home Minister wants authority for the Commissioner of Police to depute officers of police to attend any public meeting in order to cause reports to be taken; he can depute not merely police officers above the rank of head constable, but there is this wonderful phrase "or other persons." I want to know who are these other persons who would be in the confidence of the Home Department, who may not be higher than but at least not below the rank of head constable. But what "other persons" and classes of persons does the Home Minister want to entangle in this conspiracy against the liberties of the people? And where is the special necessity for introducing these refined innovations, each of which singly is enough to destroy our liberties, and behold! in their combination they will be absolutely hopeless. Singly, each of these phrases is fraught with serious consequences. It

is a matter of very serious consequence that the control over the civil liberties of the people will be transferred from the judiciary and the magistracy who are more civil than the police.

It is a matter of fundamental importance that this control over the life and the normal activities of the people should be transferred from the Civil to the Police. And not content with this innovation, the Home Minister is indulging in his trained intellectual acumen. He is exercising his inventive powers to the utmost by adding these words—I do not know on whose instigation, somebody very very experienced in all these undertakings must have suggested these ideas—"or other persons". Whereas in the dark days of 1907, the Commissioner of Police was empowered to send his own people with a sense of responsibility, people who were above the rank of Head Constable, whereas the Commissioner of Police was empowered to send his own trusted lieutenants to report proceedings of a supposed public meeting in a private house, here the Commissioner of Police is given a *carte blanche*. He is given wide special powers so that he can depute any person that he likes in the world for the purpose of this reporting, for the purpose of this responsible reporting on the basis of which the Home Department will be moved to action.

Now, I have also considered where was the special use in adding this explanatory expression, this Explanation which disfigures the Bill so much. I have suggested that even the whole paragraph about Explanation may go without any serious detriment to the purposes which the Home Department has in view. In that Explanation, various kinds of difficulties have been created and it is only a Select Committee properly constituted that can thoroughly examine this matter, examine the needs of the Department in the matter of preservation of Law and Order and then find out whether this hasty drafting, whether this indiscreet and inappropriate drafting for the purposes of conditions prevailing in 1939, whether this drafting is really capable of improvement and alterations. I do not say that we are obstructing in any way. I want the Home Minister to give an opportunity to this House to carefully consider every possible aspect of a piece of legislation which, according to the views of a considerable section of this House, aims at the very foundation of our civil liberties. Lastly, I should say that I regret the utter inconsistency of the attitude taken up by our esteemed colleagues belonging to the European Group of this Council. I know of Lord Morley's famous phrase that the fur-coat of Canada may not suit the Indian climate, and I think that the Englishmen coming from England have probably two sets of political convictions and principles. One of these is meant for their home consumption but as soon as they set foot on Indian soil, they talk in terms of the old regime which refuses to die in Bengal, and if I may say so, like the worst of Conservative Diehards they feel

that it is their purpose in this popular Assembly to co-operate with Government at any cost and on any terms, even though the Opposition feels that its case against the Bill is unanswerable. Therefore, I must appeal to the alleged superior political sense of our English members of this Council to bring to bear upon the deliberations of this infant Parliament all their high ideals of democrary and the democratic traditions to which they are so accustomed at home. They are coming from a country where they have breathed the free air of democracy. Can they ever dare enter their own country with this kind of legislative proposal? If so, do they mean that they have got two sets of conscience and two sets of principles; one is reserved for their home consumption and the other for this down-trodden country where every inch of our progress towards liberty has to be fought in this way. It is disgraceful that a popular Government is abusing the privileges given to them by the electorate by refusing in the first instance to take the electorate into their confidence, by refusing to consider whether the civil liberties of the vast mass of electorate are going to be expanded by their legislative measures and whether they want permanently to improve upon the old state of things which is dead and gone; whether it is creditable to them to revive that black regime in a worst possible manner and introduce a measure for which the present Government deserve to be impeached by all lovers of democracy. At least, the eight other provincial Governments of India will have nothing to do socially with such a reactionary Government. It is time that they realise their sense of responsibilities. In the U. P., where all ordinary legislation has been suspended, where political prisoners were given liberty on a mere application instead of this arduous struggle of examination of every case through committees and all this delay, where the conception of liberty is so high and that in eight of the major provinces—now, I want to know whether this present administration of Bengal is prepared to take the consequences of the repercussions that their measure will create all over India. I, therefore, do hope that the Hon'ble Home Minister in a spirit of sweet reasonableness will condescend to have this measure discussed by a Select Committee where he is sure of his own vote and following considering the composition of this House. It will mean only a delay but at least the popular representatives will have a satisfaction of doing what they could under the circumstances to improve this Bill so as to prevent the circumstances created for an attack upon the foundations of our civil liberties.

Mr. PRESIDENT: Amendment moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Mr. Kamini Kumar Dutta,
(3) Mr. Shrish Chandra Chakraverti,
(4) Maharaja Sir Manmatha Nath Ray Chowdhury,
(5) Mr. Humayun Kabir,
(6) Maulana Muhammad Akram Khan,
(7) Khan Bahadur M. Abdul Karim,
(8) Sir Edward Benthall,
(9) Mr. T. Lamb, and
(10) the mover,

with instructions to submit their report by the 15th March, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir E. C. BENTHALL: Sir, the motion before the House is that the matter be referred to a Select Committee. The speaker from my party has already said that our party is not opposed to the principle of the Bill. The question is therefore whether we should support its reference to Select Committee or whether the Bill should be dealt with on the floor of the House. We have no particular antipathy to a Select Committee, but it does seem to us that this is a very simple Bill. There is nothing in it so complex that it cannot be dealt with forthwith on the floor of the House, and I do feel that this is an occasion when the House might show its business capacity to get on with the matters at the source. We should take it, deal with it, amend it or reject it here and now. We have expressed already our agreement with the principle of the Bill, but we are perfectly prepared to consider amendments which may do away with the legitimate fears of any one in this House. More than one speaker, three speakers I think, have appealed to us to reject this Bill; they have appealed to us with very remarkable eloquence, but I am afraid that although we have given this Bill our most impartial consideration and paid attention to their remarks, I am afraid I am left with the impression that they have overstated their case. One speaker has referred to Hyde Park. So far as I am aware,—I have often been there,—the police are in constant attendance in Hyde Park, not that they pay very much attention to what the speakers say and for that matter to the public either. I should be surprised indeed if powers such as are included in this Bill do not exist in the City of London. Personally, I have never experienced them because I never yet got across the police, but it is entirely wrong that members should accuse us of desiring to have two sets of laws, one for this country and another for England. That is entirely wrong, because I believe and I am informed by my colleague that the law does exist in the United Kingdom——

Mr. LALIT CHANDRA DAS: In this form?

Sir E. C. BENTHALL: I cannot say in this form, but it is to the same effect. There is no attempt to exclude the Police.

Mr. LALIT CHANDRA DAS: Have they given power to the Police to enter private meetings?

Sir E. C. BENTHALL: I am merely speaking to the best of my belief that Police is admitted anywhere in England to which any member of the public is admitted.

Another speaker, my friend Mr. Humayun Kabir, referred to Lord Hewart's book "The New Despotism" and instanced this as another form of despotism. I think he is entirely off his mark, if I may be forgiven for saying so. For, Lord Hewart in his book, I believe, merely referred to the rule-making power which has been given to non-parliamentary bodies. Nothing of the same sort is under discussion at the present time. But I would like to point out that we support this Bill not because it is fascist in any way as it has been suggested by one speaker. We do not believe that it encroaches upon the civil liberties. We support the principle because we believe the Bill to be reasonable. I would remind those who appealed to us that the Bill applies to my community just as much as to any other. We support it for three reasons on principle; (1) because the principles of the Bill have been in operation in this province for some years and so far as we are aware there have been no complaints about its abuse during that period.

Dr. RADHA KUMUD MOOKERJI: That is no case for its permanence.

Sir E. C. BENTHALL: Secondly, the principle of the Bill has been in operation in Calcutta and is in operation all over Bengal to-day, and one would expect that if it was so abused as was suggested, we should have had an outcry against its existence in Bengal.

Dr. RADHA KUMUD MOOKERJI: The case is for dropping it for that reason.

Sir E. C. BENTHALL: I have not heard that outcry. One would have expected to find evidence of it in numerous questions from those who felt its oppression, but we have not yet heard any question in this House nor have we seen any evidence of it elsewhere.

Earlier in the debate my friend Mr. Wilmer suggested that if there was a serious abuse in the past either in the City of Calcutta or in Bengal to-day, evidence should be brought in this House to that effect.

And the third reason why we support the principle of the Bill is that the Police can go to public meetings of this description anyhow. The only question is whether the Police should pay or whether they should not pay. That is really the only issue that is before the House.

Therefore, it does not seem that this Bill is in any way an encroachment upon the civil liberties of the public. The only encroachment is upon the civil liberties of the organisers of the meeting, to the extent that they want to get some money from the police.

(Mr. Shrish Chandra Chakraverti rose in his seat.)

Mr. PRESIDENT: Do you want to move your amendment?

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, in supporting the proposal for the Select Committee, I beg to submit that after careful consideration of the Bill, I find that in Bengal the bureaucracy has not changed in character under the Government of India Act, 1935, as was expected. It has only changed its complexion from white to brown. The white bureaucracy showed some regard for democracy, however little, but the brown bureaucracy has cast everything to the winds. The white bureaucracy——

Mr. PRESIDENT: Order, order. Are you moving your amendment? If you don't want to, you need not, but you can make a speech on the other amendments.

Mr. SHRISH CHANDRA CHAKRAVERTI: I cannot find, Sir, if I have put down any amendment under this head.

Mr. PRESIDENT: You have got a motion in respect of the Select Committee. Do you intend to move it?

Mr. SHRISH CHANDRA CHAKRAVERTI: I now see, Sir. I beg to move that after item "(9) Mr. T. Lamb" in the amendment No. 6 to be moved by Dr. Radha Kumud Mookerjee——

Mr. PRESIDENT: No, no, not that; that one regarding circulation—your amendment to Mr. Lalit Chandra Das's amendment.

Mr. SHRISH CHANDRA CHAKRAVERTI: As far as I know, Sir, all circulation motions have been disposed of.

Mr. PRESIDENT: Well, you can move it or not move it, as you like.

Mr. SHRISH CHANDRA CHAKRAVERTI: No, Sir, I do not like to move my amendment to Mr. Lalit Chandra Das's amendment regarding the substitution of the words "31st March, 1939", for the words "31st July, 1939".

Mr. PRESIDENT: But you can make a speech on the amendments before the House.

Mr. SHRISH CHANDRA CHAKRAVERTI: I would prefer to do that. The white bureaucracy while imposing repressive laws made them for a limited period and depended for application thereof on persons of judicial temperament and training, whereas the brown bureaucrats are going to accord it a permanent place in the Statute Book and leave the entire control in the hands of the police. The Statement of Objects and Reasons has been made advisedly evasive, and sought to be kept behind the smoke screen of "oversight"! The Hon'ble Minister in his reply to the vehement protest against the Opposition benches said that Government has the right to know what propaganda was being used against them. Certainly, Sir, he has got every right to know it, but that is only with regard to public meetings and not in regard to meetings where private consultations are being held in a public household. There is another point which was urged that the police had to pay large sums for entrance fees——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, what is a public house?

Mr. SHRISH CHANDRA CHAKRAVERTI: I am sorry, Sir, I ought to have said private household. If that is the only ground on which the Hon'ble Minister wants to take his stand, then of course some regulations can be made for charging entrance fees. That, however, is a matter of detail. Another ground is that no complaint has so far been received from the public. My hon'ble friend, Mr. Wilmer, also supported the immediate consideration of the Bill on that ground. The vesting of wide powers also is not incompatible with their position as responsible Minister. Sir, now-a-days the people of Bengal have become much more politically conscious, and the Government should rather allow them to give vent to their feeling instead of driving them deep underneath as a cancerous growth. They must have a larger measure of freedom of thought and speech. Now, Sir, allow me to enumerate some of the prerogatives specially enjoyed by the Commissioner of Police, Calcutta, and not by the Bengal Police.

(At this stage Mr. President retired and Begum Hamida Momin took the Chair.)

The Commissioner of Police and all the Deputy Commissioners are Justices of the Peace: they have the very important right of discharging

the accused guilty of any offence, and they realise fines from the accused at times in the shape of payment to the Poor Box. The licenses to possess arms and start newspapers, and granting of passports to people for journey abroad, are in the entire control of the Commissioner of Police. He is also the President of the Board of Films Censors, and is an important member of the Licensing Board. The Commissioner of Police is also consulted in the case of conferring titles on men of distinction, and also with regard to appointments and transfer of the Magistracy of Calcutta.

Mr. D. J. COHEN: On a point of order, Madam. Is this quite relevant to the question? We are at present concerned with the question whether a particular motion should be passed or not. We are not concerned with the powers that are already possessed by the Commissioner of Police.

Mr. SHRISH CHANDRA CHAKRAVERTI: With regard to this, I would refer to the Hon'ble Minister the case of Provat Nath Barat *versus* Rai Bahadur P. C. Lahiri, which was decided on the Original Side of the High Court and upheld in Appeal. The facts disclosed therein show what influence the Commissioner of Police used to exercise over the Magistracy of Calcutta. It is significant that in the Calcutta Police Act of 1866, "Magistrate" has been defined as a "Magistrate of the Police". Until the regime of Sir George Rankin, the late Chief Justice of Bengal, the Commissioner of Police used to have the power of remanding accused persons to *hajat* without producing him before any Magistrate. In an application for *habeas corpus*, it was disclosed that the Commissioner of Police used such powers without any provision in the law for the purpose and without any objection from the then Home Member in charge of Law and Order. Sir George Rankin pertinently remarked in strong terms that while the Bengal Police had to go miles to a Magistrate for the purpose of remand of an accused, the Calcutta Police never produced an accused for remand before a Magistrate who was practically next door. And thus this practice was stopped. Judicial authorities are more inclined to apply brakes on the powers and prerogatives of the Calcutta Police than to accelerate them. This is an example of the much-condemned practice of combination of judiciary and executive in one authority. Madam, I now want to draw the attention of the House to section 54 of the Criminal Procedure Code which has been much more frequently used by the Calcutta Police than in any part of Bengal. This section has been largely applied to deal with the day-to-day political activities of Bengalees, and none is immune from the purview of this section inasmuch as any person can be arrested merely on suspicion by any police officer, even by a constable. In ordinary cases—in non-political cases—Bengal Police

avoids the application of the said section. The powers which the Commissioner of Police already enjoys are quite enough to cope with any crime, or even with any legitimate activity of the people if he so chooses. Madam, may I enumerate some of the flagrant cases of abuse of powers by the police, subject to verification and correction by the Home Minister? Take for instance, the case of Mr. Jameson of the Indian Civil Service, who was a District and Sessions Judge, Alipore. He was assaulted by a constable on the road while going home. He was marched to the thana, where he was shown very scant courtesy and respect, and ordered to appear at Lal Bazar next day. Sir Charles Tegart kindly intervened and he had not to go to Lal Bazar, and the constable was dismissed, and the Sub-Inspector also got censored. I think, Sir Nazimuddin himself will bear me out if it is not a fact that a fortnight or seven days ago a constable had been dismissed because he happened to arrest a sweeper of Sir Nazimuddin. I dare say, Madam, that if the sweeper had not been employed by Sir Nazimuddin, he would have been swept away out of existence,—dragged to the thana, roughly handled. But afterwards the matter came to be looked into and as a result, the constable has been dismissed. Would such a thing ever happen if it were not the case that the sweeper belonged to Sir Nazimuddin? There is another case, Madam,—the assault on a son of Mr. Justice S. C. Mullick——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of personal explanation, Madam! I want to point out that the other day I challenged the hon'ble members to put up any case of abuse of powers by the Calcutta Police. At that time, I was referring to the abuse of powers under the provisions of the Public Security Act,—about invading a private meeting, or entering into a meeting where they were not supposed to enter. This is not a debate on a Police grant, that all the abuses by the police of their powers should be brought forward now.

CHAIRMAN (Begum Hamida Momin): I do not see how all this is relevant to this discussion.

Mr. SHRISH CHANDRA CHAKRAVERTI: May I be permitted to show, Madam, the relevancy of my argument? After the abuse of such powers, as the police now possess, how can they be entrusted with extraordinary powers? That is my argument. Of course, the matter is in your hands, Madam.

CHAIRMAN: All right, you may go on.

Mr. SHRISH CHANDRA CHAKRAVERTI: I now come to my second example, namely, the assault on the son of Mr. Justice S. C. Mullick, when he went to see a football match, and two sergeants got hold of him in the football ground——

CHAIRMAN: These remarks are hardly relevant.

Mr. RANAJIT PAL CHOUDHURY: On a point of order, Madam. May I ask if we can reply to the challenge which was thrown out by the Hon'ble Home Minister a few days ago? He challenged the members to point out cases where the police had committed excesses, and where the High Court or any other judicial court had intervened or even passed the severest strictures upon their conduct.

CHAIRMAN: I think your remarks should have some relevancy to the provisions of this Bill, and should not refer to excess committed by the police under other Acts.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will you please allow me to explain why I am bringing in these things?

The Hon'ble Khwaja Sir NAZIMUDDIN: You cannot question the Chair's ruling. The ruling is already given.

Mr. NARENDRA CHANDRA DATTA: But the Chair can listen to the explanation.

CHAIRMAN: I think this comparison is not quite appropriate.

Mr. SHRISH CHANDRA CHAKRAVERTI: In view of what I have already said and in view of what is our own experience, the hon'ble members of this House should pause thrice before they consent to the Bill being taken into consideration. The ordinary powers which the police have got are being abused. How can they be allowed extra-ordinary powers? And I can cite instances about the assault on Mr. Subhas Chandra Bose——

The Hon'ble Khwaja Sir NAZIMUDDIN: Can he mention that instance, Madam?

CHAIRMAN: Mr. Chakraverti, you can only give instances of cases which will be relevant to the provisions of the present Bill, and not otherwise.

Mr. SHRISH CHANDRA CHAKRAVERTI: The Hon'ble Home Minister had not placed before us any materials, any particular circumstances which necessitated the consideration and passing of this Bill. With regard to the provision of the Bill, it is said that the Commissioner of Police will have the power to depute a Head Constable to report at the meetings. But the Head Constables are generally recruited from United Provinces Hindus and Muhammadans who have no acquaintance with the vernacular or the English sufficiently to report any proceedings. So I bring to the notice of this House how a Head Constable will at all be able to report any

proceedings accurately. As regards "other persons", the Hon'ble Home Minister did not reply as to what "other persons" mean. The only inevitable conclusion will be that they must be spies. Nobody else can follow Police wherever he is asked to go. It is impossible to condemn this Bill in any more stronger terms, and therefore I must take my seat.

Mr. BANKIM CHANDRA DATTA: Madam, the observations have been made practically from all the quarters excepting perhaps the European Group condemning the principle of the Bill. Well, I do not want to go into detail about the various provisions of the Bill at this stage, but I may with your permission just make one observation about the statements made by the Hon'ble Home Minister about complaints of abuses in connection with the working of the Act for six years. Madam, it is very difficult for outsiders to produce any record inasmuch as those records are really in the custody of the Police. Complaints have been made to my knowledge, but it is difficult to trace the records now of such complaints. But the only point I was trying to drive at was this, that if the Police is given these powers, as they are proposed to be given under this Bill, the result would be an impossible position. Madam, the Hon'ble Home Minister knows much better than we do that section 25 of the Indian Evidence Act declares and lays down in no uncertain terms that confessions made to a Police Officer are inadmissible and I think he knows much better than many of us the principle or the reason underlying such a section. It is because those confessions are induced by coercion and threat or under duress. The same principle, I am afraid, would be applicable here in connection with this particular case. The Police Officer who will be deputed or the constable or the "other person"—the word "other person" as they call it is in the nature of an anonymous person without description as to whoever it may be,—will be deputed to take down notes. What is the responsibility of such reports? Who is responsible for sending such a person and what is the position of such persons who are going to be deputed for this purpose. The object of the Bill is really to find out as to whether there are really apprehensions of breach of the peace, or some such thing. But if they are going to rely on the reports of such persons who really are not responsible persons, what will be the fate of such reports, and what will be the fate of the gathering of the meeting from where these reports are likely to be taken. Madam, I am afraid, this Bill if passed would lead to a very dangerous principle and would invade even religious gatherings and social gatherings. Instances have not been wanting where we have found that allegations have been made that a number of persons have assembled in a particular temple or in a particular *masjid*.

(At this stage Mr. President took the Chair.)

The object according to the conveners of the meeting may be to discuss religious matters or social matters, but the Police will say that that may be a cloak to disguise the real object, namely, to discuss political matters and in that case they will invade the temple or *masjid* or the church, as the case may be. Sir, is this really a matter which the House will tolerate? Can we tolerate our religious principles to be interfered with in this way? I think I am voicing the feeling of all present here that they will not allow such a piece of legislation to be passed in this way. Sir, I do not want to take further time of this House, but we can multiply instances where there have been cases of abuses of power by the Police Officers.

Sir, with these words, I support the motion for the Select Committee.

Mr. D. J. COHEN: Sir, I rise to oppose the motion for reference of this Bill to a Select Committee, and that, Sir, for very good reasons. After the speeches delivered by the Hon'ble Home Minister and by Sir Edward Benthall, I should have expected the members supporting the reference to a Select Committee and opposing the motion moved by the Home Minister to come forward with facts showing how powers which have been or are already in existence everywhere in the province with the exception of Calcutta have been abused. One speaker, Sir, himself a lawyer and related to a much-respected gentleman, who recently was a senior member of the Calcutta Police Force, could only give us stray instances of abuses by constables and sergeants. He was not able to give one single instance where this particular power has been abused anywhere in the province. It is already in existence everywhere with the exception of Calcutta. (Question.) This has been in existence even in Calcutta for as long as six years, and if, Sir, a power such as this has not been abused in mufassil places, how much more difficult it is for the Commissioner of Police to abuse the power in a city like Calcutta.

Mr. SHRISH CHANDRA CHAKRAVERTI: The present Inspector-General of Police himself abused the power.

Mr. D. J. COHEN: The last speaker has generalised. He realized the difficulty of meeting the challenge of the Home Minister. He has generalised by saying "Oh! yes, there have been instances, but it is difficult to get at records proving those instances. Well, Sir, that in itself is sufficient evidence that this power has not been abused. Because if powers of this nature are abused, not only will it be taken up by the entire press, but it will be taken up from every platform. Having regard to these facts and the additional facts so prominently brought out by the Home Minister that unlike the

day when the powers were exercisable in Calcutta, to-day the Government are responsible to the Legislature, we know the executives will think ten times before even attempting to abuse them. For these reasons, Sir, I oppose the reference to Select Committee and support the motion of the Hon'ble Home Minister..

Mr. RANAJIT PAL CHOUDHURY: Sir, may I rise on a point of personal explanation. The last speaker evidently has a flowery idea of the Police.

Mr. SHRISH CHANDRA CHAKRAVERTI: He was an Honorary Magistrate.

Mr. RANAJIT PAL CHOUDHURY: He perhaps does not know of the police excess that was committed in a private residence at Midnapore in the palace of the late Raja of Narajole for which a strong stricture was made by the Hon'ble High Court on the conduct of the Police there. Then, Sir, we have got the "Servant" defamation case in which a gentleman no less below the rank of a Deputy Commissioner, Mr. Kidd, broke up a public meeting at Harish Park in Bhowanipore by force and in doing so struck with a baton, which was snatched from another constable, a lady by the name of Hemnalini. The newspaper "Servant" published this fact, and the Police brought up a defamation case against this paper. The District Judge of Alipore found the facts correct and the Police made an appeal to the High Court, where the judgment was also upheld and very strong strictures were passed against the Police. There are innumerable cases like this where there have been police excesses. Late Sir Surendra Nath Banerjee was severely assaulted at Barisal where the Police and the Magistrate were also severely censured. So I do not think the last speaker was sufficiently informed of all the facts. Perhaps it might be due to his great love for the Police, being a Magistrate himself.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I just want to briefly reply to the points that have been raised. I am glad to find that both Mr. Humayun Kabir and Dr. Mookerji have let the cat out of the bag by stating that their main object in moving this motion for Select Committee is to put as much obstruction as possible to the passage of the Bill. Sir, Dr. Mookerji said—I have got the the exact words here—"as a matter of strategy we have tabled a series of motions".

Dr. RADHA KUMUD MOOKERJI: On a point of personal explanation. I made it absolutely clear tkat it was not at all for obstructing the activities of the Government. We wanted the Government to sit with us and deliberate on the provisions.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is another point which Mr. Kabir made and wanted a definite reply thereto, that for 27 years or 31 years if we have been able to do without it, why can't we go on now. The reply is simple. Because of the existence of the Act of 1911, for 31 years the opposition or rather the Congress never thought of using these tactics, because they felt that the Government could introduce those measures immediately, amend the law and give the power to the Commissioner of Police. Unfortunately, without thinking, I believe, there was started the mischievous practice of obstructing the police and not giving them permission to attend the meetings. That is why it has become necessary now to introduce this Bill. Because at one time the evil did not exist, so the necessity for the law was not felt. Now that the evil has come to exist, the necessity for the law becomes clear.

Mr. RANAJIT PAL CHOUDHURY: Sir, may I rise on a point of order?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not give way, Sir.

Mr. PRESIDENT: Please state your point

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister entitled to say that the evil did not exist and therefore it was not necessary, when he himself has mentioned in the Statement of Objects and Reasons that it existed?

The Hon'ble Mr. H. S. SUHRAWARDY: That is not a point of order.

Mr. NARENDRA CHANDRA DATTA: Yes, that is a point of order, and it is not for Mr. Suhrawardy, but for the Chair to judge whether it is a point of order or not.

The Hon'ble Khwaja Sir NAZIMUDDIN: Next, it has been continuously pointed out that if this measure is going to be a permanent measure, the opposition would not approve of it. Sir, we must remember that the present Government or the supporters of the present Government are not always going to be the supporters of this Government, and the Opposition may come into power and think that a measure like this is very dangerous. Well, as far as we the members of the Government and the supporters of the Government are concerned, we have got no doubt in our minds that if the present Opposition get into power, they will enact much worse measures than this.

And this measure—this harmless and innocuous measure—is being put on the Statute Book as purely a question of protection. Dr. Radha Kumud Mookerji, whenever he tries to start a comparison, always falls into a ditch. The other day he spoke about the United Provinces Government not authorising reporters to take down proceedings of public meetings, and to-day when he compared this Government with other Congress Governments, he made the same mistake. Let me tell him that I have always got concrete cases to satisfy him about the mildness of our measures. I may tell him that the Goonda Act of the Bombay Government is much more drastic than the Goonda Act of the Bengal Government.

Dr. RADHA KUMUD MOOKERJI: But that is for the goondas, and this is for private meetings also.

The Hon'ble Khwaja Sir NAZIMUDDIN: It does not matter whether it concerns goondas or private or public meetings. The question is whether much more repressive and drastic powers are given to the police authorities in Bombay under the Goonda Act than the Bengal Act gives to the Police Commissioner in Calcutta.

Mr. PRESIDENT: Order, order.

The Hon'ble Khwaja Sir NAZIMUDDIN: All that proves that when you have a democratic system of Government, that Government takes much wider power than what an irresponsible Government can take. That is the point. The third point is this: when members compare the Act of 1911 with the present Bill, they forget that the present Bill has only one of the clauses of the 1911 Act, and there is no comparison between the 1911 Act and the present Bill. The 1911 Act is much more drastic. And it is only because this Government did not want to introduce a drastic measure like the 1911 Act, that they did not amend the 1911 Act. Under the 1911 Act, the District Magistrate has got the power of forbidding all public meetings without the permission of the Local Government. When we try to be helpful, the Opposition deliberately refuses to recognise the assistance we are giving. Sir, it is a tragedy that facts are perverted and the 1911 Act is compared with this Bill, when the Police Act only is being amended and not the 1911 Act. Here we could have taken powers without any difficulty by amending the 1911 Act, but the difference would be this: that we should have had to notify the Calcutta area, and no meeting in Calcutta could have been held at all without the permission of the Commissioner of Police. And for every meeting to be held,

the people would have had to go to the Commissioner of Police for permission. Now, that would have been a very drastic measure and we did not think that the occasion justified such a measure; if necessary we may have to go on with such a measure, however.

Here I may repeat that it is a statement of fact, and not simply a warning, that if we find that even when the Bill is enacted, still the police in the rest of Bengal are obstructed, Government will be compelled to notify the whole of Bengal under section 4 of the 1911 Act.

Mr. LALIT CHANDRA DAS: That will be better.

The Hon'ble Khwaja Sir NAZIMUDDIN: But we are not notifying it now, and we want the good sense of the House to prevail so far as the Opposition is concerned.

Mr. LALIT CHANDRA DAS: That would be in existence for only 6 months.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, but it can go on after that period.

Dr. RADHA KUMUD MOOKERJI: What about invading private houses?

The Hon'ble Khwaja Sir NAZIMUDDIN: With regard to that question, although we take this power of entering private houses, I maintain that it does not mean that it will actually be used. (Cries of "why not say so".) There is no question of entering a private house.

Mr. LALIT CHANDRA DAS: Make that clear.

The Hon'ble Khwaja Sir NAZIMUDDIN: I can assure the House that this Act will be enforced in a reasonable manner.

Mr. LALIT CHANDRA DAS: Where is the guarantee?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Government itself is the guarantee. The Act will deal with public meetings only. Of course, safeguards have been provided that an obviously public meeting

be not circumvented into a private meeting. That is the only reason why these wide powers have been given. The object is not to go and enter a private meeting, but merely a public meeting, and it is just to prevent people from circumventing the provisions of this Act that this provision has been put in this manner.

Dr. RADHA KUMUD MOOKERJI: Is party meeting a public meeting?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, a party meeting is a private meeting and not a public meeting.

Mr. HUMAYUN KABIR: Then your Bill is very badly drafted. You ought to have made that clear in your Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: We have discussed this matter more than once both with our own party and with some of the members of the Opposition, and it is clear that it is not possible to improve on this definition. If once we do it, we land ourselves into much more serious difficulty and the object of the Bill will be frustrated; that is why we did not want to touch the definition. But I am prepared to accept an amendment which I hope will in some way meet with the wishes of the Opposition.

Mr. LALIT CHANDRA DAS: What is that?

The Hon'ble Khwaja Sir NAZIMUDDIN: You will know that to-morrow. Sir, I close my reply now, and I hope hon'ble members will withdraw their motions.

Mr. LALIT CHANDRA DAS: We are not going to withdraw our motions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then put them to vote, if you like.

Mr. PRESIDENT: Order, order. I adjourn the House now. The debate on this matter will be continued to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 14th of March, 1939.

Members absent:

The following members were absent from the meeting held on 13th March, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Dr. Arabinda Barua.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Kamini Kumar Dutta.
(5) Khan Bahadur S. Fazal Ellahi.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Nawabzada Kamruddin Haider.
(8) Mr. Mohammad Hossain.
(9) Khan Bahadur M. Abdul Karim.
(10) Maulana Muhammad Akram Khan.
(11) Mr. Naresh Nath Mookerjee.
(12) Rai Bahadur Satis Chandra Mukherji.
(13) Khan Bahadur Kazi Abdur Rashid.
(14) Mr. Nagendra Narayan Roy.
(15) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh.
(16) Mr. Sachindra Narayan Sanyal.

B. G. Press—1939-40—126A 750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 14th March, 1939, at 2-15 p.m., being the eighteenth day of the First Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Binding works in the Registry Office

111. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the fact that there are Binding Departments in the Bengal Government Press and Jail Press?

(*b*) If the reply is in the affirmative, will the Hon'ble Minister kindly state why binding works of the Calcutta Registry Office, Alipore (24-Parganas), and Midnapore, are done from outside?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state whether any tender was called for binding works?

(*d*) If the answer to (*c*) be in the negative, will the Hon'ble Minister kindly state the reasons therefor?

(*e*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister kindly lay on the table a list showing the names and addresses of the contractors for binding works with rates and whose tender was accepted in the last three years, namely, from 1936 to 1938, separately?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The books cannot under the rules be removed from office [*vide* paragraph 236 (*15*), page 233 of the Registration Manual]. The object of the rule is to safeguard against tampering. Moreover the books are constantly required for purpose of taking copies.

(*c*) Tenders are called for binding works.

(*d*) Does not arise.

(*e*) Statements furnishing the particulars are laid on the table.

Statements referred to in the reply to clause (e) of question No. 106.

LIST OF CONTRACTORS FOR BOOK BINDING FOR THE YEARS 1936-1938.

Year.	Serial No.	Name and address of the book binder.	Rate with material. Rs. a. p.
1936	1	Tasiruddin Khan, 44, Baithakhana Road	1 4 0
	2	Nasiruddin, 60, Baithakhana Road ..	1 2 0
	3	Raihanuddin, 18A, Holwell Lane, Calcutta	1 0 0
	4	The Eastern Trading & Co., Post Box No. 7824.	1 0 0
	5	Mashiruddin Khan, 120, Baithakhana Road, Calcutta.	0 15 6
	6	Rahman Khan & Co., 13-1, Holwell Lane, Calcutta.	1 8 0
	7	S. C. Nandi, 87H, Garden Reach Road, Kidderpore.	1 0 0
	8	Abdul Jalil Khan, 47, Baithakhana Road, Calcutta.	1 2 0
	9	Birajuddin, 48, Baithakhana Road, Calcutta.	0 15 0 Accepted.
1937 ..	1	Rahman Khan & Co., 3-2, Belliaghatta Main Road, Calcutta.	1 2 0 Accepted.
	2	Latif Khan, 18/1, Holwell Lane, Calcutta	1 4 0
	3	Ali Khan & Bros., 20, Holwell Lane, Calcutta.	1 6 0
1938 ..	1	M. R. Khan & Co., 26-A, Hajipara, Calcutta.	1 1 0
	2	Yusoof & Bros., 23/2, Mussalmanpara Lane, Calcutta.	1 1 6
	3	Latifuddin Choudhury, 7/1, Holwell Lane, Calcutta.	0 14 0
	4	Shafiuddin Choudhury, 7/1, Holwell Lane, Calcutta.	0 14 0
	5	Mufizer Rahman, 4, Anthony Bagan Lane, Calcutta.	0 13 0
	6	Azizer Rahman, 4, Anthony Bagan Lane, Calcutta.	0 14 0
	7	Aminuddin, 15, Musalmanpara Lane, Calcutta.	0 13 0

Year.	Serial number.	Name and address of the book binder.	Rate with material.
			Rs. a. p.
	8	Kazi Chunilal, 11, Harcourt Lane, Calcutta.	0 14 0
	9	Latif Khan, 18, Holwell Lane, Calcutta ..	0 15 0
	10	Md. Kashem Khan, 43, Baitakkana Road, Calcutta.	0 14 0
	11	Nasiruddin & Sons, 60, Baitakkana Road, Calcutta.	1 0 0
	12	Rahman Khan, 18/A, Holwell Lane, Calcutta	0 13 0 Accepted

24-PARGANAS (ALIPORE).

List showing the names and addresses of the contractors for binding works with rates and whose tender was accepted in the last three financial years namely, 1936-37, 1937-38 and 1938-39.

Names and addresses of the contractors submitting tenders.	Rates of binding—			
	With materials supplied by contractors.		With materials supplied from office.	
	Books over 300 pages.	Below 300 pages.	Books over 300 pages.	Below 300 pages.
1936-37.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Rahman Khan & Co., 13-1, Holwell Lane, Calcutta ..	0 14 0	0 14 0	0 10 0	0 10 0
(2) Jarip Khan Duftry, District Judge's Court, Alipore	1 2 0	1 2 0	0 7 6	0 7 6
(3) Md. Yunus khan, Duftry, 43-1, Kalighat Road ..	0 11 6	0 11 0	0 8 6	0 7 6
(4) Khalilur Rahman & Co., 16, Patwar Bagan Lane, Calcutta ..	0 11 0	0 10 6	0 8 0	0 7 0
(5) Moslem Khan, Bookbinder, 62, Harish Mukharji Road, Bhowanipur ..	0 11 0	0 10 0	0 8 0	0 7 0

Tender of No. (4) was accepted.

Names and addresses of the contractors submitting tenders.	Rates of binding—			
	With materials supplied by contractors.		With materials supplied from office.	
	Books over 300 pages.	Below 300 pages.	Books over 300 pages.	Below 300 pages.
1937-38.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Rahman Khan & Co., 3-22, Beliaghata Road (Main) ..	0 10 0	0 10 0	0 6 0	0 6 0
(2) Khalilur Rahman & Co., 16, Patwar Bagun Lane, Calcutta ..	0 10 0	0 10 0	0 6 0	0 6 0
(3) M. E. Khan & Co., 43-1, Kalighat Road, Calcutta	0 12 0	0 12 0	0 10 0	0 10 0
(4) N. K. Rahman, post-office Chinsurah, Hooghly ..	0 11 0	0 10 6	0 9 6	0 8 6
Tender of No. (2) was accepted.				
1938-39.				
(1) Rahman Khan, 18-A, Holwell Lane, Calcutta ..	0 9 0	0 9 0	0 5 0	0 5 0
(2) Khalilur Rahman Khan, 16, Patwar Bagan Lane, Calcutta ..	0 10 0	0 10 0	0 6 0	0 6 0
Tender of No. (1) was accepted.				

MIDNAPORE.

List of names and addresses of book-binders, with rates, whose tender was accepted.

Year.	Names and addresses of binders.	Rates per book.
		As. p.
1936	Shaikh Md. Sajid and Shaikh Md. Ali, Barabazar, Midnapore.	4 0 (course binding).
1937	Md. Asraf Ali and Shaikh Md. Ali, Barabazar, Midnapore.	4 3 (course binding).
1938	Ditto ..	9 0 (superior binding).

List of other contractors whose tenders were not accepted.

Year		Rates per book. As.	p.	
1936	Mirza Esrail, Midnapore	4	0	
	Shaikh Md. Yusuf, Midnapore	5	0	
	Shaikh Abdul Odud, Midnapore ..	6	0	
	Shaikh Khoka Duftry, Midnapore ..	3	6	
1937	Shaikh Abdul Odud, Midnapore	5	0	
	Ashrul Beg, Midnapore	5	0	
	Shaikh Md. Yusuf, Midnapore ..	4	0	
1938	Shaikh Khoka Duftry, Midnapore ..	12	0	(superior binding).

Allotment of a day for the discussion of a motion.

112. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Government will be pleased to allot a day for discussion of my motion under section 118 of the Rules and Standing Orders regarding the rise of communalism and its remedy—the substitution of the communal electorates by Joint Electorates with the reservation of seats for the minorities?

(*b*) If so, when? If not, will Government state the grounds for its refusal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The matter is still under consideration.

(*b*) Does not arise.

Mr. LALIT CHANDRA DAS: When will the matter be finally decided?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am afraid it will not be possible to allot any more days this session. If the hon'ble member wants to bring it up again in the next session, Government will consider it then.

Village of Mauza Etmampore.

113. Mr. RANAJIT PAL CHOUDHURY (on behalf of Mr. Krishna Chandra Roy Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased

to state whether there is a village of Mauza Etmampore under the Kustia subdivision, police-station Kumerkhali in the district of Nadia?

(*b*) Is it a fact that the river Gorai is situated by the side of the village of Etmampore?

(*c*) Is it a fact that the people of the locality use the narrow foot-path (earthen), running over boundary-ridges of corn-fields which leads through the adjacent villages, for taking their bath, carrying water for drinking purposes, and for carrying dead bodies for cremation purposes (the place being selected for cremation of the Hindus)?

(*d*) Does the river Gorai approach the village onward gradually, on account of the breakage of the landing *ghat*, and as a consequence of which the passage gets blocked and the *char* land thus formed is utilised for being cultivated by the landlords of the lands?

(*e*) Is it a fact that the villagers feel great inconveniences and troubles to step to the river *ghat* of the Gorai by the pathway which is properly bridged without keeping any space for the public to use as pathway?

(*f*) Is it a fact that some villagers of Etmampore, Satian, etc., submitted petitions so far back as in 1331-1333 B.S. respectively, to the Subdivisional Officer of Kustia and District Magistrate of Nadia and the Union Board authorities of Jaduhayra for making arrangements for keeping a permanent passage for going to the riverside of the Gorai?

(*g*) If the replies to (*a*) to (*f*) be in the affirmative, will the Hon'ble Minister kindly state whether any action has been taken or intended to be taken, or if not, why no action has been taken for redressing the said grievances of the public by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of Minister in charge of the Local Self-Government Department): The matter to which these questions relate is primarily the concern of the local authorities and not that of the Provincial Government. I have, however, obtained a report from the Collector in the matter and a statement based on the materials furnished by him is placed in the Library for the information of the hon'ble member.

The ratio of mortality due to tuberculosis among businessmen.

114. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) the ratio of mortality due to tuberculosis and due to other causes among businessmen, shop assistants and clerks employed in commercial establishments respectively;

(*b*) whether his attention has been drawn to the high percentage of tuberculosis prevalent among shop workers in the privately owned shops and in those located in municipal markets of Calcutta;

(*c*) if he is aware that many cases of tuberculosis are never detected as the persons attacked migrate from Calcutta;

(*d*) what steps, if any, the Government have taken or intend to take to check further spread of the disease among the shop workers;

(*e*) if the Government propose to regulate hours of work in shops and fix a closing hour for all or any classes of shops;

(*f*) if the Government propose to make it compulsory to provide oscillating fans in commercial establishments which employ more than twelve persons;

(*g*) if the Government intend to prohibit the employment in Calcutta shops of children below twelve years;

(*h*) if the Government intend to appoint a Health Inspector to ascertain the extent of tuberculosis among shop workers and prescribe remedies for checking it;

(*i*) if the Government intend to provide ten free beds in Jadabpur Tuberculosis Hospital for the use of shop workers; and

(*j*) if the Government are prepared to appoint an enquiry committee to ascertain the causes and prescribe remedies for the high incidence of tuberculosis among shop workers?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Commerce and Labour Department): (*a*) No figures are kept.

(*b*) Yes.

(*c*) This might be so, but I have no definite information.

(*d*) and (*e*) Government are considering the question of introducing legislation.

(*f*) to (*i*) These questions are not at present under the consideration of Government.

(*j*) This will be taken into consideration along with the general policy of Government to combat the spread of tuberculosis.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when the legislation which is proposed to be introduced by the Government will come up before this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope some time in the July session.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state some of the principles embodied in the legislation which they are drafting?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter is rather premature. I would ask the hon'ble member to wait till we do come forward with our proposed legislation.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the principles suggested from (*f*) to (*i*) will be considered by Government in framing their legislation?

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the attention of Government being drawn to this, I am sure Government will take it into consideration.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state with regard to (*i*) what difficulties there are in the way of Government satisfying the conditions suggested there?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are practical difficulties in the way.

Economic Inquiry Committee.

115*. Mr. HUMAYUN KABIR (on behalf of Rai Bahadur Surendra Narayan Sinha): (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what the present constitution of the Economic Board of Inquiry for the province is?

(*b*) Will the Government be pleased to refer to that Board the question of the operation of the Debt Settlement Boards with a view to finding out whether any improvement has been brought about in the economic condition of the agriculturists?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*)—

Chairman.

The Hon'ble Member of the Board of Revenue, Bengal (*ex-officio*).

*Outstanding question of the last session of the Council.

Representatives of Commerce (Commercial body nominating the member).

Sir Edward Benthall, KT., Bengal Chamber of Commerce

Mr. A. C. Sen, Bengal National Chamber of Commerce.

Mr. A. L. Ojha, Indian Chamber of Commerce.

Mr. S. A. Afzal, A. S. A. A., Muslim Chamber of Commerce, Calcutta.

Babu Keshav Prasad Goenka, Marwari Association.

Mr. Aswini Kumar Ghose, M.A., B.L., Bengal Mahajan Sabha.

Representatives of Provincial Universities (University nominating the members).

Dr. Jitendraprasad Niyogi, M.A., PH.D., Calcutta University.

Professor H. L. Dey, D.SC., (London), Dacca University.

Representatives of Agricultural Interests.

Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C.

Mr. Birat Chandra Mandal, M.L.A.

Representative of Labour.

Dr. A M. Malek, C. 10, Bharat Bhaban, Calcutta

Non-officials interested in economic problems.

Mr. Upendra Nath Edbar, M.L.A.

Mr. Abdul Karim, M.L.A.

Officials interested in economic problems and statistics.

Professor P. C. Mahalanobis, Presidency College, Calcutta.

Mr. T. I. M. Nurannabi Chaudhuri, I.C.S., Director of Rur Reconstruction, Bengal.

Members ex-officio.

Labour Commissioner, Bengal.

Director of Land Records, Bengal.

Director of Agriculture, Bengal.

Director of Industries, Bengal.

Registrar of Co-operative Societies, Bengal.

Senior Professor of Economics at the Presidency College, Calcutta.

Babu Nihar Chandra Chakravarti of the Bengal Civil Service (Executive), will act as Secretary to the Board, until further orders.

(*b*) The figures of Settlements made up to June, 1938, indisputably prove that the Debt Settlement Boards have benefited the agriculturists. Claims exceeding Rs. 1 crore 88 lakhs have been settled at less than Rs. 85 lakhs.

116. Mr. HUMAYUN KABIR (on behalf of Rai Bahadur Surendra Narayan Sinha): (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what are the present function and composition of the Bengal Government Economic Enquiry Committee?

(*b*) Will the Hon'ble Minister be pleased to lay on the table papers connected therewith?

(*c*) Was the proposed Amending Act of 1939 ever referred to the said Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) The functions of the Economic Enquiry Board are—

(*i*) To conduct enquiries into such economic matters as may be referred to it by the Local Government.

(*ii*) To initiate and conduct, subject to the sanction of Government, enquiries into other economic matters (other than those referred to it by Government).

As regards the present composition of the Board, the hon'ble member is referred to the reply given to his question No. 115 (*a*) in the present session.

(*b*) Papers connected therewith have been laid on the table.

(*c*) It is not understood what Amending Act of 1939 is referred to by the hon'ble member.

Papers referred to in the reply to question No. 116.

GOVERNMENT OF BENGAL.

DEPARTMENT OF COMMERCE AND LABOUR

COMMERCE.

Resolution—No. 12591Com.

Calcutta, the 10th December, 1938.

Whereas it has been decided by the Provincial Government that the Labour Commissioner, Bengal, should be a member *ex-officio* of the Board of Economic Enquiry, Bengal, the constitution of which has been prescribed by the Government of Bengal, Commerce Department, resolution No. 6159Com., dated the 1st December, 1933;

And, whereas in order to give effect to such decision it is necessary to amend the said resolution;

Now, therefore, the Governor is pleased to direct that the following amendment shall be made in the said resolution, namely:—

For paragraph 3 of the said resolution, the following paragraph shall be substituted, namely:—

"3. The Board shall be constituted as follows:—

(1) *Chairman*, to be nominated by Government;

(2-7) Six representatives of Commerce, to be nominated by the following bodies:—

(*a*) Bengal Chamber of Commerce,

(*b*) Bengal National Chamber of Commerce,

(*c*) Indian Chamber of Commerce,

(*d*) Muslim Chamber of Commerce, Calcutta,

(*e*) Marwari Association, and

(*f*) Bengal Mahajan Sabha;

(8-9) Two representatives of the Provincial Universities, one to be nominated by the University of Calcutta and the other by the University of Dacca;

(10-11) Two representatives of agricultural interests, to be nominated by Government;

(12) One representative of Labour, to be nominated by Government;

(13-14) Two non-officials interested in economic problems, to be nominated by Government;

(15-16) Two officials interested in economic problems and statistics, to be nominated by Government;

(17) Labour Commissioner, Bengal (*ex-officio*);

(18) Director of Land Records, Bengal (*ex-officio*);

(19) Director of Agriculture, Bengal (*ex-officio*);

(20) Director of Industries, Bengal (*ex-officio*);

(21) Registrar of Co-operative Societies, Bengal (*ex-officio*); and

(22) Senior Professor of Economics at the Presidency College, Calcutta (*ex-officio*).

By order of the Governor;

A. HUGHES,
Joint Secretary to the Government of Bengal.

Nos. 12592-98Com.

Copy forwarded to the—

(1) Secretary, Board of Economic Enquiry, Bengal,

(2) Labour Commissioner, Bengal,

(3) Director of Land Records and Surveys, Bengal,

(4) Director of Agriculture, Bengal,

(5) Director of Industries, Bengal,

(6) Registrar of Co-operative Societies, Bengal, and

(7) Senior Professor of Economics at the Presidency College, Calcutta,

for information.

Nos. 12599-12604Com.

Copy forwarded to the Secretary—

(1) Bengal Chamber of Commerce,

(2) Bengal National Chamber of Commerce,

(3) Indian Chamber of Commerce,

(4) Muslim Chamber of Commerce, Calcutta,

(5) Marwari Association,

(6) Bengal Mahajan Sabha,

for information.

Nos. 12605-12606Com.

Copy forwarded to the Registrars of the Dacca and Calcutta Universities for information.

W. ISLAM,

Assistant Secretary to the Government of Bengal.

Calcutta, the 10th December, 1938.

DEPARTMENT OF COMMERCE AND LABOUR.

COMMERCE.

Notification.

No. 7890Com.—17th July, 1937.—The Hon'ble Mr. Nalini Ranjan Sarker, who was appointed a non-official member of the Board of Economic Enquiry, Bengal, for a period of two years with effect from the 26th February, 1936, by the Commerce Department notification No. 1344Com., dated the 25th February, 1936, as a representative of the Bengal National Chamber of Commerce, having resigned his membership of the said Board, the Governor is pleased to appoint on the nomination of the said Chamber, Babu Ashutosh Bhattacharjee, President, Paddy Merchants' Association, Chetla, to be a member of the said Board for the unexpired portion of the term of two years for which the Hon'ble Mr. Sarker was appointed.

R. H. PARKER,

Joint Secretary to the Government of Bengal.

COMMERCE DEPARTMENT.

Notification.

No. 1344Com., dated the 25th February, 1936.—The term of appointment of the members, other than *ex-officio* members, of the Bengal Board of Economic Enquiry constituted by the Government of Bengal in their notification No. 1915Com., dated the 26th February, 1934, in accordance with the terms of their resolution No. 6159Com., dated the 1st December, 1933, having expired on the 25th February, 1936, the Government of Bengal are pleased to appoint the following gentlemen to serve on the said Board for a term of two years from the 26th February, 1936:—

Representatives of commercial associations.

Sir Edward Benthall, KT., nominated by the Bengal Chamber of Commerce.

Mr. Nalini Ranjan Sarker, nominated by the Bengal National Chamber of Commerce.

Mr. G. L. Mehta, nominated by the Indian Chamber of Commerce.

Babu Babulal Shroff, nominated by the Marwari Association.

Mr. S. A. Afzal, A.S.A.A., nominated by the Muslim Chamber of Commerce.

Rai Satyendra Kumar Das Bahadur, M.L.C., nominated by the Bengal Mahajan Sabha.

Representatives of Universities.

Professor Pramathanath Banerjea, M.A., D.SC., Bar.-at-Law, Calcutta University.

Dr. H. L. Dey, D.SC., Dacca University.

Representatives of Agricultural interests.

Rai Sarat Chandra Bal Bahadur, M.L.C.

Maulvi Tamizuddin Khan, M.L.C.

Representative of Labour.

Mr. K. C. Roy Choudhury, M.L.C.

Non-officials interested in economic problems.

Mr. Sarat Kumar Roy, M.L.C.
Khan Bahadur Abdul Momin, C.I.E.

Officials interested in economics and statistics.

Professor P. C. Mahalanobis, Presidency College.
Mr. L. B. Burrows, C.B.E., Commissioner of the Burdwan Division.

D. GLADDING,
Secretary to the Government of Bengal.

Notification.

No. 1915Com.—26th February, 1934.—In accordance with the terms of their resolution No. 6159Com., dated the 1st December, 1933, the Government of Bengal are pleased to constitute the Bengal Board of Economic Enquiry as follows:—

Chairman.

The Hon'ble Member of the Board of Revenue (*ex-officio*).

Representatives of commercial associations.

Mr. A. Aikman, nominated by the Bengal Chamber of Commerce.
Mr. Nalini Ranjan Sarker, nominated by the Bengal National Chamber of Commerce.
Seth Hanuman Sidique, M.A., LL.B., Bar.-at-Law, nominated by the Muslim Chamber of Commerce.
Rai Satyendra Kumar Das Bahadur, M.L.C., nominated by the Bengal Mahajan Sabha.

Representatives of Universities.

Professor Pramathanath Banerji, M.A., D.SC., Bar.-at-Law, Calcutta University.
Dr. H. L. Dey, D.SC., Dacca University.

Representatives of agricultural interests.

Khan Bahadur Maulvi Azizul Huq, M.L.C.

Rai Sahib Panchanan Barma, M.B.E., M.L.C.

Representative of Labour.

Mr. K. C. Roy Chaudhury, M.L.C.

Non-officials interested in economic problems.

Mr. Sarat Kumar Roy, M.L.C.

Khan Bahadur Abdul Momin, M.L.C.

Members ex-officio.

The Director of Land Records, Bengal.

The Director of Agriculture, Bengal.

The Director of Industries, Bengal.

The Registrar of Co-operative Societies, Bengal.

The Senior Professor of Economics at the Presidency College.

Officials interested in economics and statistics.

Professor P. C. Mahalanobis, Presidency College.

Mr. L. B. Burrows, C.B.E., officiating Commissioner of Burdwan Division.

Rai Jamini Mohan Ghosh Bahadur of the Bengal Civil Service (Executive) will be Secretary to the Board.

The term of appointment of the members, other than *ex-officio* members, shall be for a period of two years.

R. N. GILCHRIST,

Joint Secretary to the Government of Bengal.

GOVERNMENT OF BENGAL.

COMMERCE DEPARTMENT.

COMMERCE.

Resolution No. 6159Com.

Calcutta, the 1st December, 1933.

The Government of Bengal for some time have had under consideration the question of creating the organisation for the study of economic problems affecting the province. In 1931, Sir Arthur Salter, who was then Director of the Economic and Financial Section of the Secretariat of the League of Nations, visited India and prepared a scheme for an Economic Advisory Organisation in India. He expressed the opinion that a more effective system of securing a place for non-official opinion among the elements from which Government policy is evolved should be devised, and he recommended that, in addition to a Central Economic Advisory Council, there should be an Economic Advisory Council in each province.

2. Up to the present, various considerations, partly financial, have prevented the Local Government from taking action on Sir Arthur Salter's proposals; but the question of appointing a committee on the lines recommended by him has recently been revived by the local Chambers of Commerce and after full consideration of their views, the Provincial Government have come to the conclusion that, in spite of financial stringency, the time has now arrived when special machinery should be set up to facilitate co-operation between Government and representatives of outside opinion in the study of the economic problems affecting Bengal. They have therefore decided to constitute a Board of Economic Enquiry.

3. The Board will be constituted as follows:—

(1) Chairman,

(2) to (7) Six representatives of commerce to be nominated by the following bodies:—

The Bengal Chamber of Commerce,

The Bengal National Chamber of Commerce.

The Indian Chamber of Commerce,

The Marwari Association,

The Muslim Chamber of Commerce, and

The Bengal Mahajan Sabha.

(8) and (9) Two representatives of the Provincial Universities—one to be nominated by the University of Calcutta and the other by the University of Dacca.

(10) and (11) Two representatives of agricultural interests.

(12) One representative of Labour.

(13) and (14) Two non-officials interested in economic problems.

(15) The Director of Land Records.

(16) The Director of Agriculture.

(17) The Director of Industries.

(18) The Registrar of Co-operative Societies.

(19) The Senior Professor of Economics at the Presidency College.

(20) and (21) Two officials interested in economics and statistics.

Nos. 1, 10-14, 20 and 21 will be nominated by the Government; Nos. 2 to 9 will be selected by the bodies named; and Nos. 15 to 19 will be members ex-officio.

4. The functions of the Board will be—

(*i*) to conduct enquiries into such economic matters as may be referred to it by the Local Government; and

(*ii*) to initiate and conduct, subject to the sanction of Government, enquiries into other economic matters (other than those referred to it by Government).

5. The Board will be provided with a Government Officer as Secretary and it is proposed to place at its disposal a grant of Rs. 15,000 a year to cover expenditure on the enquiries it may be decided to undertake.

R. N. GILCHRIST,

Joint Secretary to the Government of Bengal.

Debt Settlement Boards.

117. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state as to how many cases on an average are being actually disposed of by a Debt Settlement Board, per month, by means of actual settlement of debts?

(*b*) What does the cost work out per case so disposed of?

(*c*) What will be the total number of agricultural debtors in Bengal?

(*d*) How many Debt Settlement Boards have already been established and how many are likely to be established?

(*e*) At the present rate of disposal, how many years will it take for the Debt Settlement Boards to dispose of debt settlement cases of all the agriculturist debtors of Bengal?

(*f*) What will be the total aggregate cost of debt settlement including supervision charges?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*b*) When Boards first begin their work, progress must inevitably be slow, as it has been, and the cost accordingly appears to be comparatively high. The rate of disposal, however, is steadily accelerating, and the cost per finished case is correspondingly decreasing. As cases are continually being disposed of while others are in various stages of hearing, no exact figure can be given for the monthly rate of disposal or for the average cost.

(*c*) No more accurate information is available than that contained in the report published by the Bengal Board of Economic Enquiry.

(*d*) Established—3,365.

Total number of Boards likely to be established—About 5,000.

(*e*) and (*f*) These ask for an expression of opinion. I am afraid, it is impossible to give an accurate answer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answers (*a*) and (*b*), are we to understand then that the returns of this department do not show the number of cases disposed of per month?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The returns do not show the disposal per month, but they show disposals per half-year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Could not the information be supplied from the returns of the number of cases disposed of during the last half-year and the average calculated by dividing that by the number of months?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have given my answer, and it is very difficult to add anything to what I have said except to bring it to the notice of the hon'ble member that his question did not allow us to give an average of that nature.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I wanted to know only the average. Is it not a fact that in criminal cases and in judicial cases, the average duration and the average monthly disposal of cases are given in all returns?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would only try to remind the hon'ble member that these Boards constituted as they are of non-officials cannot be expected to keep record in that way. They have got to collect these figures through the Collectors and the returns are submitted for half-year at a time. If the hon'ble member will be good enough to ask for that number, we will be able to get that number from Collectors.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that in respect of judicial cases the returns have to be submitted through District Officers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid I am not aware of this, as it does not concern my department.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to the answer to questions (*a*) and (*f*), is it not a fact that these questions do not call for any opinion at all, but only an estimate?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have understood the question in the way that I have answered, and I could not find out any other meaning of this question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that in preparing the Budget, an estimate has to be made as to what will be the cost and how long it will take?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The time is not mentioned, but the average of cases has got to be taken into account and the budgeted figures will show what the average cost will be for the coming year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that these have to be calculated on the estimates I have called for?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid, there has been some amount of misapprehension. So far as the Budget Estimate is concerned, it does not depend upon the quantity of disposal. It depends upon the number of Boards and the expenditure that has to be incurred for running those Boards.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to understand that no wholesale scheme has been prepared as to what will be the estimated cost and what will be the duration of the whole programme?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am afraid that so far as time is concerned, nothing of the kind has been settled. With regard to the cost, I believe we have to prepare our budget from year to year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to understand that the department is being run inefficiently and without knowing anything as to what they will have to do?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is entirely a matter of opinion and I would leave the hon'ble member to draw his own conclusion.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state how in the absence of any figures or records he comes to the conclusion that the cost appears to be comparatively high?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said, Sir, that it is not that there is any absence of returns but that the returns as were asked for in this question cannot be supplied. I have explained as to why the cost was high at the initial stage and why with progress it has gone down proportionately.

Anti-malaria works.

118. Mr. H. P. PODDAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what steps the Government have taken since April, 1937, to dispel malaria from Bengal?

(*b*) Are the Government aware that malaria has been costing Bengal a considerable sum both from private and public purse?

(*c*) Is it a fact that the present Government sanction lesser amount every year than what the previous Government used to do for combating malaria?

(*d*) Will the Hon'ble Minister kindly lay on the table a comparative chart showing how much money the present Government have spent for this purpose since April, 1937, to January, 1939, and how much the Government just preceding the present one spent from March, 1935, to March, 1937, for the same purpose?

(*e*) Is it a fact that the present Government have stopped financial grants to many anti-malaria societies of Bengal who used to receive regular grants from the old Government? If so, why?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) As regards grants made by Government towards anti-malaria works and free distribution of quinine, the hon'ble member is referred to the statement in reply to part (*d*) of this question.

Government further propose to assist District Boards in financing anti-malaria schemes of a more or less permanent nature in their respective districts after such schemes have been prepared by the Boards and examined and approved by Government. Certain schemes received from some of the districts are now under the consideration of Government. In order to facilitate the preparation and execution, under proper supervision, of comprehensive anti-malaria projects entailing engineering work, Government have decided to appoint a qualified Anti-Malaria Engineer whose advice and assistance will be available to all local bodies.

A comprehensive malaria survey of representative areas in Bengal has been undertaken since November, 1937. About 375 villages in different districts already have been surveyed. The survey, when completed, will provide valuable data for the preparation of anti-malaria schemes in different areas on sound lines.

(*b*) Yes.

(*c*) No.

(*d*) A statement is laid on the table.

(*e*) No. But the whole policy in regard to the question of anti-malaria grants is under examination.

Statement referred to in the reply to clause (d) of question No. 118 showing a comparative chart of the Government's grant for Anti-malaria works since April, 1937 to January, 1939.

	Anti-malaria grant.	Quinine grant.
	Rs.	Rs.
1935-36 ..	80,000	1,80,000
1936-37 ..	80,000	1,66,200
1937-38 ..	1,17,080	2,00,000
1938-39 ..	*87,000	4,00,000

*The provision of funds during the present financial year for local anti-malaria schemes to be executed through anti-malaria societies and union boards is now under the consideration of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May we enquire when the examination will be finished and the policy will be published for the information of the public?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the survey is not yet complete. As soon as the survey is complete, this will be decided upon.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May we have an idea when the survey is likely to be complete?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the survey will be completed as soon as possible. As I have already stated, 375 villages have already been surveyed. There are many more villages yet to be surveyed. I cannot give any approximate time.

Khan Bahadur ATAUR RAHMAN: What does the Hon'ble Minister mean by "survey of malaria"? Does he mean only the number of cases in each district or each village, or are we to understand that the root cause of malaria is also enquired into?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir, not the cause of malaria, but the areas in which malaria is prevalent and the periodical outbreak of malaria in those areas and other matters connected therewith.

Khan Bahadur ATAUR RAHMAN: Is it not already in the Government records as to what areas are suffering from malaria? I mean, the returns submitted by the district boards and other authorities who have their dispensaries in those areas?

The Hon'ble Mr. TAMIZUDDIN Khan: I am afraid, the records hitherto available are not of a dependable character.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state how many districts have been covered by this examination of 375 villages?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state how many districts Government propose to survey in this manner before they come to any decision?

The Hon'ble Mr. TAMIZUDDIN KHAN: As many districts as may be found to be necessary.

Mr. HUMAYUN KABIR: Are we to understand that the Hon'ble Minister has no idea as to how many more districts will have to be examined in order to have that information?

The Hon'ble Mr. TAMIZUDDIN KHAN: I admit that I am not aware of the number of districts that will have to be surveyed still. In the course of the investigation, it may be necessary to survey more districts than what have been hitherto under contemplation.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if any plans have been made by the Government as to the period within which they propose to complete the examination?

The Hon'ble Mr. TAMIZUDDIN KHAN: The matters are being expedited and the survey will be completed as soon as possible.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state when this anti-malarial Engineer is going to be appointed; if any date has been fixed by the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: The post was once advertised, but no qualified candidate applied: it has once again been advertised and I think the appointment will be made very soon.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to understand that there is no programme for preparing any scheme and that Government is simply following a policy of drift?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is not exactly a policy of drift, Sir, as the whole of Bengal has to be surveyed; with the means at our disposal, we are trying our best to complete the survey as soon as possible.

Khan Bahadur ATAUR RAHMAN: Only 375 villages have been surveyed in two years practically: there are several villages in Bengal; how long will the Government take to find out the data for anti-malarial schemes? And is it not a fact that Bengal has got about a lakh of villages and if the survey goes on at this rate, when will the survey report be published before taking up any anti-malarial scheme?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, my friend is labouring under a misapprehension. It is not a fact that Government will not do anything unless and until the whole survey is completed. The facts are these: District Boards have been asked to submit schemes, and many of the District Boards have already submitted schemes, but some schemes have been found to be defective, so that no action can be taken on them. But other schemes seemed to be practicable and they will be examined, and as soon as the examination is finished, action will be taken on those schemes in course of the coming year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In reply to my supplementary question, the Hon'ble Minister has said that after the examination of the results of the survey, Government's policy will be declared, but the Hon'ble Minister now gives a different reply: he says that, individually, district by district, Government will approve of the policy. Which answer is correct?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am afraid, my friend has overlooked the importance of the adjective "whole". My answer in (*e*) mentions the "whole" policy. The Government is now pursuing a particular policy, but in view of the survey that is being made, that policy may have to be reconsidered.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May we know the present policy that is being pursued by Government? Could that be published?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already stated that the present policy is that the District Boards will help in eradicating malaria. For that purpose, an anti-malarial engineer is going to be appointed who will assist the District Boards in preparing schemes and effect will be given to those schemes as soon as the examination is completed.

Mr. HUMAYUN KABIR: Are we to understand that the present policy of Government is to spend the money out of the unspent balance of the provisions sanctioned for quinine grants?

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as the quinine grant is concerned, it is being spent *in toto*: so far as the other scheme of aiding District Boards is concerned, that has not been given effect to hitherto, on account of the fact that the District Boards were late in submitting their schemes and some of their schemes have also been found defective. Other schemes are under examination and as soon as the examination is finished, action will be taken upon them.

Tuition fees in high schools.

119. Khan Bahadur Maulvi MUHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that owing to the acute distress prevailing in Bengal, it has become extremely difficult for the students of high schools to pay their tuition fees regularly?

(*b*) If the answer to (*a*) be in the affirmative, do the Government propose to make a suitable grant from the Provincial Revenues towards the tuition fees of the poor but meritorious students seeking education?

(*c*) Do the Government propose to make a grant from the Provincial Revenues for free-studentship in addition to the Government grants-in-aid given to each school?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Not as a general rule, though there may exist some difficulty in the rural areas visited by flood last rains.

(*b*) and (*c*) Greater financial provision is being made for high schools. When it is possible to reorganise secondary education by the establishment of a Secondary Board, the question of providing more free-studentships will be considered.

Educating of Hindus and Muslims separately.

120. Mr. NARESH NATH MOOKHERJEE: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the present method of educating the Hindu and Muslim communities separately is injuring the cause of the prospects of communal harmony between the two communities?

(*b*) Is it a fact that the system of education in vogue at present forces each community to be brought up separately in different water-tight compartments?

(*c*) Do Government propose to abolish all educational institutions which are being run at present for different communities?

(*d*) If not, why not? And what are the difficulties in the way?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) No. Except in the case of a very limited number of institutions, boys of all communities are admitted into educational institutions without restriction.

(*c*) Not until there is a demand for such a course from the communities concerned.

(*d*) Denominational institutions have special features and were established in consequence of demand from the respective communities.

121. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether malaria has broken out in a serious epidemic form in certain districts this year after the flood?

(*b*) Have the flooded areas only been affected or other areas have also been affected?

(*c*) If the answer to part (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state what are those parts of the province which though unaffected by the flood, suffered badly from malaria?

(*d*) Is it a fact that the northern part of Kandi subdivision in Murshidabad district has been very seriously affected by malaria and is it a fact that the said part of the country was not affected by the floods this year?

(*e*) Will the Hon'ble Minister be pleased to state what was the number of malaria patients in the two District Board charitable dispensaries at Khargram and Gokarna in the year 1938?

(*f*) What is the average number of such patients in these two dispensaries for the last 5 years?

(*g*) Has the Government made any inquiry as to the cause of such epidemic this year, and, if so, with what result?

(*h*) If not, does the Hon'ble Minister propose to have an enquiry made by the Public Health Department to find out the causes of the virulent attack of malaria in 1938 in several parts of the province which were not so affected previously?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) In five out of the eleven districts which were affected by the floods, viz., 24-Parganas, Rajshahi, Rangpur, Bogra and Pabna, there were no serious outbreaks of malaria in the wake of the floods. In the remaining six districts, viz., Nadia, Murshidabad, Jessore, Khulna, Malda and Faridpur there were more malaria cases than in the previous years but not in a serious epidemic form.

(*b*) and (*c*) Yes. The districts of Burdwan, Birbhum, Bankura, Hooghly, Howrah, Dacca, Mymensingh, Chittagong, Noakhali and Tippera, though not seriously affected by the heavy floods last year, showed an increase of malaria cases after the floods.

(*d*) From the malaria morbidity figures of the district, it appears that the northern part of Kandi subdivision was not the only area in that subdivision where malaria broke out during 1939. Several areas in the

Burdwan and Bharatpur thanas, which are situated in the southern portion of the Kandi subdivision, also showed a recrudescence of malaria during 1938.

(*e*)	Khargram	...	...	...	3,869
	Gokarna	...	...	...	10,105
(*f*)	Khargram	...	...	...	3,294
	Gokarna	...	...	...	4,607

(*g*) and (*h*) The present comprehensive malaria survey of representative areas in the whole of the province which started in 1937 and is likely to be completed this year will supply valuable information as to the etiological factors responsible for the spread of malaria and the bionomics of the different species of vectors prevalent in the different areas of the province. These data will be useful in indicating the lines of malaria control suitable to the localities concerned.

Khan Bahadur ATAUR RAHMAN: With reference to answer (*e*), I find that the Hon'ble Minister has said that malaria patients attending the Gokarna dispensary were 10,105 in 1938 and the average of the previous 5 years is 4,607. Still I find that it is said that there was no very serious outbreak. Sir, how even if the number is more than double, can it be said that there was no serious outbreak of malaria in that part?

Mr. PRESIDENT: Well, that is a matter of opinion.

122. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether he has received a memorial from the people of Gobardanga, Khantura in 24-Parganas, and other villages bordering on the river Jumna which was over-flooded in 1938 by the flood-water coming in from the Icchhamuty through an old silted-up canal, called Chaiti Khal, branching off from the Icchhamuty, near Gopalnagar railway station, near Ranaghat-Gopalnagar road;

(*b*) if so, what steps the Government propose to take in the matter for preventing such floods in future;

(*c*) whether the Government has consulted the Public Health Department enquiring whether insanitation will result in the flooded area;

(d) whether the Executive Engineer, Nuddia Rivers Division, submitted to the Hon'ble Minister any scheme for resuscitating the Chaiti Canal after he inspected the canal in December, 1938, after the flood;

(e) if so, what steps the Government propose to take in the matter in the near future before recurrence of such floods in the said area;

(f) whether it is a fact that in the last year as well as in the year 1936 almost the whole of the subdivisional town of Bongaon was over-flooded by the river Icchhamuty and whether it is a fact that extensive damage was done to the people of the locality by such floods;

(g) whether it is a fact that the improvement of the Chaiti Canal would relieve the pressure of water in the river Icchhamuty near the Bongaon town and downwards and the possibility of the damage to Bongaon would be reduced thereby and would lead to the improvement of the upper part of the river Jumna;

(h) whether the Government has received a memorial from the people of the villages bordering on the river Jumna praying for the revival of the Jumna Anti-Malaria Scheme, 1921; if so, when; and

(i) whether the Government propose to effect forthwith some temporary improvements in the main channel of the river?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Communications and Works Department): (a) A petition from certain gentlemen has been received.

(b) An enquiry is being made.

(c) Necessary steps were taken by the Public Health Department to prevent an outbreak of disease in the area.

(d) I am not prepared to say whether any specified officer has made any particular suggestion. I am informed that proposals for reviving the Chaiti Khal have been examined and that feeding the khal from the Ichhamuty is possible only during high floods and not every year.

(e) Does not arise.

(f) Yes. There was flooding in the town and difficulty was experienced by the inhabitants during the last floods.

(g) I am advised that the improvement of the Chaiti Khal is not likely to reduce the intensity and consequences of flooding when it does occur in Bongaon town. By improving the canal, it will be possible to bring some more water into the lower reach of the Jumna only in years of high floods in the Ichhamuty.

(*h*) A printed advance copy of the memorial was received from the Chairman, Gobardanga Municipality, last year.

(*i*) No. Expert opinion is that no local and temporary measures will bring about any material improvement in the Jumna.

Mr. RANAJIT PAL CHOUDHURY: It is not a fact that one of the main reasons for the abnormal floods is the insufficient passage of water through the railway bridges?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not one of the main reasons. The silting up of the rivers and the silting up of the various outlets and khals are also one of the main causes.

Mr. RANAJIT PAL CHOUDHURY: Are not railway bridges also to some extent responsible for these floods?

The Hon'ble Khwaja Sir NAZIMUDDIN: No; not so far as the flooding of the rivers is concerned.

Mr. RANAJIT PAL CHOUDHURY: Is the reply based on information or on investigation?

The Hon'ble Khwaja Sir NAZIMUDDIN: On both, Sir.

123. Rai MANMATHA NATH BOSE Bahadur: Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the complaint made by the public and also in the newspaper for want of passenger sheds and godowns and for the low platforms in stations between Midnapore and Adra? If so, does the Hon'ble Minister intend to take steps to remedy the grievances?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): I am making inquiries in the matter, and propose to give the hon'ble member the information he desires, as soon as these inquiries are completed.

GOVERNMENT RESOLUTION

The Calcutta and Suburban Police (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now take up further consideration of the Calcutta and Suburban Police (Amendment) Bill, 1939.

Order, order. The motion before the House is the motion of the Hon'ble Home Minister for the Bill to be taken into consideration,

and the amendments of Mr. Lalit Chandra Das, Mr. Humayun Kabir, and Dr. Radha Kumud Mookerji, all aiming to refer the Bill to a Select Committee.

Mr. PRESIDENT: The question before the House is that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Sahib Abdul Hamid Chowdhury,

(3) Mr. Kader Baksh,

(4) Mr. Nur Ahmed,

(5) Mr. T. Lamb,

(6) Maharaja Sir Manmatha Nath Ray Chowdhury,

(7) Rai Brojendra Mohan Maitra Bahadur,

(8) Mr. Srish Chandra Chakraverti,

(9) Mr. Narendra Chandra Datta,

(10) Mr. Naresh Nath Mookerjee,

(11) Mr. Humayun Kabir, and

(12) the mover,

with instructions to submit their report by the 31st July, 1939, and that the number of members who presence shall be necessary to constitute a quorum shall be four.

A Division was called.

Mr. PRESIDENT: Those who are for the amendment will please rise in their seats.

(Only one member rose.)

Those who are against the amendment will please rise in their seats.

(Several members rose.)

Mr. PRESIDENT: The amendment is lost.

Mr. PRESIDENT: The question before the House is that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Mr. Kamini Kumar Dutta,

(3) Mr. Shrish Chandra Chakraverti,

(4) Maharaja Sir Manmatha Nath Ray Chowdhury,

(5) Mr. Humayun Kabir,

(6) Maulana Muhammad Akram Khan,

(7) Khan Bahadur M. Abdul Karim,

(8) Sir Edward Benthall,

(9) Mr. T. Lamb, and

(10) the mover,

with instructions to submit their report by the 15th March, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The House divided:—

AYES—18.

Rai Bahadur Keshab Chandra Banerjee.	Khan Bahadur Maulvi Muhammad Ibrahim.
Rai Bahadur Manmatha Nath Bose.	Mr. Humayun Kabir.
Mr. Shrish Chandra Chakraverti.	Rai Bahadur Brojendra Mohan Maitra.
Mr. Moazzemali Chowdhury.	Mr. Naresh Nath Mookerjee.
Mr. Lalit Chandra Das.	Dr. Radha Kumud Mookerji.
Mr. Bankim Chandra Datta.	Rai Bahadur Satis Chandra Mukherji.
Mr. Narendra Chandra Dutta.	Mr. Ranajit Pal Choudhury.
Mr. Kamini Kumar Dutta.	Mr. H. P. Poddar.
Mr. Kanai Lal Goswami.	Mr. Sachindra Narayan Sanyal.

NOES—24.

Mr. Fieshahuddin Ahmad.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Khan Bahadur Syed Muhammad Ghaziul Huq.
Mr. Kader Baksh.	Alhadj Khan Bahadur Shaikh Muhammad Jan.
Sir Edward C. Benthall.	Khan Bahadur Muhammad Asaf Khan.
Mr. Namidul Huq Chowdhury.	Khan Sahib Subidali Molla.
Khan Sahib Abdul Hamid Chowdhury.	Begum Hamida Momin.
Mr. Khorshed Alam Chowdhury.	Mr. E. C. Ormond.
Khan Bahadur Rezzakul Haider Chowdhury.	Mr. Mukhlesur Rahman.
Mr. D. J. Cohen.	Rai Bahadur Radhica Bhusan Roy.
Mrs. K. D'Rozario.	Mr. Krishna Chandra Roy Chowdhury.
Mr. R. W. N. Ferguson.	Mr. Salleswar Singh Rov.
Khan Bahadur Saiyed Muazzamuddin Hossain.	Mr. D. H. Wilmer.

The amendment was lost.

Mr. PRESIDENT: The question before the House is that the Calcutta and Suburban Police (Amendment) Bill, 1939, be referred to a Select Committee consisting of—,

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur M. Abdul Karim,

(3) Khan Bahadur Ataur Rahman,

(4) Mr. Kader Baksh,

(5) Mr. D. J. Cohen,

(6) Maharaja Sir Manmatha Nath Ray Chowdhury,

(7) Mr. Bankim Chandra Datta,

(8) Mr. Naresh Nath Mookerjee,

(9) Mr. Shrish Chandra Chakraverti,

(10) Khan Bahadur Rezzaqul Haider Chowdhury,

(11) Mr. Khorshed Alam Chowdhury,

(12) Khan Sahib Abdul Hamid Choudhury,

(13) Mr. Narendra Chandra Datta,

(14) Sir Edward Benthall,

(15) Rai Bahadur Manmatha Nath Bose, and

(16) the mover,

with instructions to submit their report by the 15th of April, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Those who are for the amendment will say "Aye" and those who are against will say "No".

(Cries of "Aye" and "No".)

Mr. PRESIDENT: The "Noes" have it.

Mr. BANKIM CHANDRA DATTA: "Ayes" have it; Division, Sir.

Mr. PRESIDENT: The division has been asked for after my decision has been declared.

Dr. RADHA KUMUD MOOKERJI: One member from my party asked for a division, Sir.

Mr. PRESIDENT: I am sorry, my decision had already been given. Hon'ble members must be very prompt in asking for a division.

Mr. PRESIDENT: The question before the House is that the Calcutta and Suburban Police (Amendment) Bill be taken into consideration.

The question was agreed to.

Clause 1.

Mr. KAMINI KUMAR DUTTA: In regard to my amendment which stands thus—

"That at the end of sub-clause (2) of clause 1 of the Bill, the following be added, viz.:—

'but shall have operation only in such parts of the province as may be declared to be a proclaimed area for the time being under the provision of Prevention of Seditious Meetings Act (Act No. X of 1911)' ",

I may just state that there is a similar amendment given notice of by Mr. Lalit Chandra Das, which, Sir, I would like to add, is more specific and more clear. So, in order to remove any sort of anomaly——

Mr. PRESIDENT: It seems you do not want to press the amendment.

Mr. KAMINI KUMAR DUTTA: I do not move my amendment, Sir.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that at the end of sub-clause (2) of clause 1 of the Bill, the following be added, viz.:—

"but shall have operation only in such parts of Calcutta or its suburbs as may be declared to be proclaimed area for the time being under the provisions of the Prevention of Seditious Meetings Act (Act X of 1911)".

Sir, if this is added, it will read thus—

"It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette* appoint, but shall have operation only in such parts of Calcutta or its suburbs as may be declared to be proclaimed area for the time being under the provisions of the Prevention of Seditious Meetings Act (Act X of 1911)".

Sir, in moving this amendment, I desire to point out that the Hon'ble Home Minister wanted power for the Commissioner of Police of Calcutta and its suburbs.

Now there is already in existence an Act, viz., Act X of 1911. That Act gives all the powers necessary to deal with public meetings, and the definition that has been given there regarding public meetings has been bodily taken and incorporated in this amending Bill. If it is really the intention of Government to make clear the power of the Commissioner of Police, because, as the Hon'ble Minister has himself said in the Statement of Objects and Reasons that that power was not given him by an oversight in the Seditious Meetings Act, then I

do not understand why the Hon'ble Minister should not be prepared to accept this addition. Really, the Seditious Meetings Act is applicable to the whole of India. Now, in the Seditious Meetings Act, there is a provision that for the purpose of making the clause effective, certain areas must be notified, and that the areas so notified will be called "proclaimed areas". Then again, there is another clause in that Seditious Meetings Act which makes that notification only a temporary one, the duration being only for 6 months and not more. That Act deals with seditious meetings and also with cases of emergency. The power that is claimed by the Hon'ble Minister for the Commissioner of Police can be exercisable only when an area is "proclaimed", and when there is likely to be a disturbance of the public tranquillity. But what is attempted, Sir, in the present Act, is to incorporate the definition of the word "public meeting"—giving a permanent character to the whole thing—giving a permanent power to the Commissioner of Police to exercise it whenever he pleases.

Now, if this definition is really taken from the Seditious Meetings Act and it is intended to incorporate it without any limitation, then it comes to this that it will form part of the permanent Statute. No such power can safely be given to the police, Sir. It is known that on several occasions the police have abused their powers and now that such a drastic power is contemplated to be given to the Commissioner of Police, the House should see to it that this power is made only temporary and that this power be exercisable only in cases of emergency, and that it be exercisable only when the country is in a disturbed state, and when seditious meetings are being held in certain quarters of Calcutta or its suburbs. So, if it is really the intention to invest the Commissioner of Police, Calcutta, with such extraordinary powers, as the power to depute his subordinates to go to all sorts of possible and impossible places, to attend social gatherings, religious gatherings and even party meetings, regardless of the fact that the meetings are held in private houses where admission is restricted by ticket or otherwise, when such power,—such drastic power,—is given to the Commissioner of Police,—in all conscience, that power should not be given to him permanently, and it should be exercisable only in cases of emergency, and that too, only in areas which have been declared to be "proclaimed" areas under the provisions of the Seditious Meetings Act. With these words, Sir, I move my amendment.

Mr. PRESIDENT: Amendment moved: that at the end of sub-clause (2) of clause 1 of the Bill, the following be added, viz.:—

> "but shall have operation only in such parts of Calcutta or its suburbs as may be declared to be proclaimed area for the time being under the provisions of the Prevention of Seditious Meetings Act (Act X of 1911)".

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is a saying to the effect, "save me from my friends". I am afraid, this is what applies to this amendment. I am sure that Mr. Das's friends and his supporters would not like it if the Government were to accept this amendment. Then the result would be that Government will notify the whole of Calcutta as a notified area, and for 6 months you cannot have any meeting whatever, without the permission of the Commissioner of Police. Nor is Mr. Das correct when he thinks that according to the Prevention of Seditious Meetings Act of 1911 this order can last only for 6 months. The Act definitely says that there is nothing to prevent the area from being notified again after the expiry of 6 months. Surely, we can go on in that way, that is, we can take that step if we like. And what is more, it would be much worse, for it will not only be a question of sending police reporters to public meetings, but you will have to get the approval of the Commissioner of Police in every case where a public meeting is intended to be held, and that will be giving the Commissioner of Police very much more drastic powers than we are proposing to give him under this Act. Therefore, I oppose this amendment, Sir.

Mr. PRESIDENT: The question before the House is that at the end of sub-clause (*2*) of clause 1 of the Bill, the following be added, viz.:—

> "but shall have operation only in such parts of Calcutta or its suburbs as may be declared to be proclaimed area for the time being under the provisions of the Prevention of Seditious Meetings Act (Act X of 1911)".

The amendment was negatived.

Mr. HUMAYUN KABIR: Sir, you told us the other day that we could give notice of amendments even on the floor of the House. Accordingly, may I move an amendment? If you put the present motion to vote, then there is no point in my moving it. May I move that to sub-clause (*2*)——

Mr. PRESIDENT: Order, order. The hon'ble member knows that under section 108 of the Government of India Act, 1935, every amendment that is to be moved in this House on this Bill, must have the previous sanction of His Excellency the Governor. So long as this condition is not fulfilled, the Chair cannot permit the hon'ble member to move his amendment.

The question before the House is that clause 1 stand part of the Bill.

The question was agreed to.

Clauses 2 and 3.

Mr. PRESIDENT: The amendments on these clauses are out of order, as they aim at the omission of both the clauses. It is a two-clause Bill, and when the House has already accepted the motion for taking the Bill into consideration, this amendment which goes directly against that vote must be declared irregular, and as such out of order.

Mr. HUMAYUN KABIR: Sir, may not a situation arise where one of the clauses may be rejected, that is to say, where clause 1 may be rejected and clause 2 may be retained and *vice versa*, so that they may be moved separately?

Mr. PRESIDENT: The House has a right, when I put the motion that clause 2 or 3 stand part of the Bill, to vote against that motion and reject it, but they have not the right to move a direct vote like this, that both the clauses may be omitted.

Mr. KAMINI KUMAR DUTTA: Sir, in view of the fact that some amendments with this end in view have already been placed, I do not like to move my amendment.

Mr. PRESIDENT: No explanation is necessary when an amendment is not moved. You need only say that you do not move it.

Mr. KAMINI KUMAR DUTTA: All right, Sir, I do not move my amendment.

Mr. PRESIDENT: The next motion stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in clauses 2 and 3 of the Bill in each of the proposed sections 62D and 39D after the words "proceedings of such meetings," the following be inserted, namely:—

> "if in the opinion of the Commissioner of Police the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and tranquillity".

Sir, I consider that such an amendment is necessary in view of the risk that is likely to arise unless this clause is modified by a provision like this. In moving this amendment, I say that we consider this amendment to be absolutely necessary. The Commissioner of Police being a high official, it is expected that he will not ordinarily grant permission to any of his officers to go to the house of a private

individual for nothing, unless there be definite material before him to make him think that the meeting is likely to "promote sedition or is likely to cause a disturbance of the peace". I think it is very necessary that this amendment should be passed by this House.

Mr. PRESIDENT: Amendment moved: that in clauses 2 and 3 of the Bill in each of the proposed sections 62D and 39D after the words "proceedings of such meetings", the following be inserted, namely:—

> "if in the opinion of the Commissioner of Police the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and tranquillity".

Mr. HUMAYUN KABIR: You have just now told us, Sir, why it is not possible to allow any amendment to be moved at this stage. We would have liked to move a certain amendment to this amendment in order to make it less dangerous than it is in its present form. We have been pleading throughout that there is no desire on the part of the members on this side of the House to place any obstacles in the way of Government getting reports of public meetings where political questions are discussed. Sir, even under the existing law, Government do send their men and obtain necessary reports. The Hon'ble Home Minister was pleased to refer to certain cases where exorbitant charges were levied before the police reporters were allowed to attend such meetings. In that case, I should have thought that the procedure to correct such misuse of power by the organisers of such meetings would be a very simple one, a simple provision to the effect that, where any section of the public, or any class or portion of the public, is admitted to any meeting by issue of tickets, the organisers of that meeting shall not be able to charge any higher price from the members of the police force than they do in the case of the ordinary members of the public. That would have got round the argument of higher entrance fees on which the Hon'ble Minister has based a great part of the defence of his Bill. I think that also disposes of the argument which the Leader of the European Group brought in defence of this Bill. The whole contention of Sir Edward Benthall, if I understood him aright when he spoke yesterday, was the question of releasing the police from undertaking financial expenses because they have, even under the existing law, the right to attend meetings which are recognised as public meetings. Therefore, we have been trying to make this Bill, if it is passed into law, more liberal and less harmful than otherwise it would be. I think the Hon'ble Home Minister either intentionally or otherwise misrepresented us on this side of the House. He probably did not understand that we were not taking an obstructionist attitude by our desire to reject this Bill, if possible. But if the House as a whole want this Bill, then we, on this side of the House, want to

amend it so that it might be less harmful than it otherwise would be. Therefore, what we have been trying to do is to liberalise the provisions of the Bill and the Hon'ble Minister did not perhaps understand clearly that we were going to do this.

With regard to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain, I would have been glad if I could accept it in its present form. In his speech on his amendment he wants to make it clear that he intends to protect the public from the unnecessary and unwelcome attentions of the police. But his amendment is not, in my opinion, adequate for this purpose, as it leaves open the question as to whether any meeting is seditious or not to the opinion of the Commissioner of Police who will not be required to keep a record of his opinion in a tangible shape or form. If the Commissioner of Police were required to give his opinion in writing for its being kept on record, it would be easily accessible when it is necessary to find out if there has been any abuse of power. But, Sir, there is no mention of any such provision in the Khan Bahadur's amendment.

It is simply stated that if in the opinion of the Commissioner of Police the meeting is likely to promote sedition or disaffection, he can send reporters. If instead of that, a clause could be introduced in the amendment moved by the Khan Bahadur indicating that the Commissioner of Police should record his opinion in writing, it would have been less unacceptable to us than it is to-day. I think I should draw the attention of this House and particularly of the Hon'ble Home Minister to one or two facts. He has challenged members of this House to produce cases where the police have attended private meetings. I think such cases are well-known to members of this House and to the Hon'ble Minister himself. I shall mention only one specific case. About a year and a half or about two years ago, there was held a meeting of the Bengal Provincial Muslim League, which I had the honour to attend as a visitor. A distinguished person from another province was presiding over that conference. The meeting was broken up by the Police. The Hon'ble Minister will probably remember also that questions were asked about it, and if I remember aright—I am not sure of it—an adjournment motion was moved in the other House with regard to that particular meeting. That was certainly a case where a private meeting of a particular party or organisation was being held in a private place,—in the premises of the Calcutta Dental College, if I remember aright—and to which admission was controlled by the issue of tickets. If at such a meeting the police could come in and break up the meeting, what guarantee is there that the police will not take advantage of these new powers and come into the meetings where parties in opposition to the present Government or parties which do not see eye to eye with the present policy of the Government or parties which even to-day probably do not have any great status, but which are

probably trying to convert sections of the public to their opinion,—what guarantee is there that such meetings would not be invaded? I would also draw the attention of the Hon'ble Home Minister to a slip which he committed—if I may use that term—during his speech last time in discussing the Bill. He said that he had no doubt in his own mind that if the other section of the House came to power, they would introduce far more drastic measures and therefore in order to safeguard his position,—if I understood him aright,—this present Bill has been brought forward. That, Sir, I think, confirms the fears which I had expressed earlier in the course of the debate yesterday. I asked, what guarantee was there that the over-zealous officers there,—and we all know that there are always some over-zealous officers who want to go further than the Government want them to go,—will not in future take advantage of this particular clause and interfere with the rights of political parties more than they have been able to do in the past? The danger is the greater as in the Khan Bahadur's amendment, there is no way of finding out whether the opinion was actually given or not. It may be said in future that the opinion of the Commissioner of Police was not given, but since the fact is accomplished, since the meeting has been interfered with in that particular way, the matter is dead. Then there would be no point in further discussion about it. The amendment which has been moved by my friend Khan Bahadur Saiyed Muazzamuddin Hosain gives us no protection in this respect. There is no tangible way of finding out whether the opinion of the Commissioner of Police has been given or whether it is the opinion of somebody subordinate to the Commissioner of Police. Therefore, if such an amendment is to be accepted at all, it should be accepted in a form which gives members of the public sufficient guarantee that their rights would not be interfered with in that manner.

There is only one other point which I want to make, before I conclude. It is this. The Hon'ble Home Minister was pleased to state that the definition of "public meeting" does not apply to the meetings of political parties and that the police will not interfere with the meetings of the political parties. But, Sir, it is the experience not only in this country but in other countries also that assurances which are given in the House have no value whatsoever as against the explicit word of the law which is acted upon. I think, hon'ble members of this House will remember that time and again in the British Parliament assurances have been given with regard to a particular act, that that act will be operated in a way which will not be harsh, operated in a way which will not go against certain claims of the representatives of the people, and in certain cases on the ground of these assurances Bills have been allowed to be passed into Acts. But after they became Acts, they have been used in a way which went directly against the assurances which were given on the floor of the House. Those hon'ble members

who are familiar with the history of the British Parliament from 1890 to 1916, will know that Irish Bill after Irish Bill was passed. What happened? The Bills were often brought up in a most drastic form. Assurances were given by the Government on the floor of the House that these Bills would be interpreted in a liberal manner and when actually the Bills came into operation, when they were executed in Ireland these Bills were interpreted according to the letter of the law. Therefore, Sir, what guarantee is there that in spite of the assurances of the Hon'ble Home Minister, "public meeting" will not refer to meeting of political parties or of associations? What guarantee is there that this law, if it is enacted, will give that protection which is necessary for political parties if they are to carry on their activities in the manner they judge best in the interest of the country?

In view of the facts stated by me, I have no option but to oppose the amendment moved by my friend Khan Bahadur Saiyed Muazzamuddin Hosain.

Mr. PRESIDENT: Order, order. The hon'ble member who has just spoken made out a case for moving an amendment to the amendment placed before the House by Khan Bahadur Saiyed Muazzamuddin Hosain. The Chair has already explained the reasons why no new amendment in regard to which the Governor's previous sanction has not been obtained, as required under section 108 of the Government of India Act, cannot be allowed to be moved. If, however, the House generally approves and the Hon'ble Home Minister agrees, then the whole matter can be postponed for a day and the permission of His Excellency the Governor may be sought in the meantime. I think there is a motion of Dr. Mookerji for deletion of the paragraphs entitled "Explanation". If that is acceptable to the House, the definition of "public meeting" to which objection is being taken by the Opposition may disappear. If I find that there is general agreement in the House and the Hon'ble Minister has not much objection, then further discussion on that particular amendment may be put off for the next day.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the point is this. If it were possible to accept this amendment, I would have had no objection, but I do not think, Sir, that this amendment is of such importance as has been made out by the previous speakers. To begin with, it makes no difference, I think, whether it is in writing or as it has been provided in the amendment. Because if a man goes there, he goes on the responsibility of the Commissioner of Police. It does not in any way alter the situation whether the Commissioner of Police has given that order in writing or verbally. In the clause as it stands, if there has been any abuse, the person responsible will be the Commissioner of Police and not his subordinate officer. I do not

see how the thing changes one iota by adding the words "in writing". The clause as it stands,—I am speaking subject to what the legal experts of this House may say, I mean those who are members,—the Commissioner of Police, Calcutta, is responsible for it. Even if the Officers have gone in without his permission, then the Commissioner of Police is responsible, and in any case, then it becomes the duty of the Commissioner of Police to take disciplinary action against his officers; but as far as the addition of the word "in writing" is concerned, it does not make any difference.

Then, Sir, the most important thing in the whole of Mr. Humayun Kabir's speech is the example of the incident that he has referred to as showing the danger of this Bill. Now, I would like to point out to this House that this is the sort of way in which the House and the public are misled. The incident referred to, namely, the meeting of the Muslim League where the Police went in, has nothing whatsoever to do with the provision of this clause. The Police there went in, because there was rioting going on or assault going on in the meeting, and they went in there to protect the people who were there. They went in because some people—there is no use of Mr. Kabir shaking his head—the Police went there because some people outside represented to the Police that the doors have been locked in, nobody is allowed to enter, and there are some men belonging to their party who are being assaulted. On this representation from some responsible people the police went in. It makes no difference whether this Bill is passed into an Act or not. In similar circumstances, if the Police are satisfied that people are being assaulted within locked doors, they have got the right and they will have the right to go in and try to protect those who are being assaulted. So, the example which has been given by Mr. Kabir is absolutely incorrect. It has nothing whatsoever to do with this Bill. Here the Bill only provides that where there is a public meeting being held there the Police will have the right of entry for the purpose of reporting and nothing else.

Now, about the question of political parties. I never said that as far as this Bill is concerned if it is a meeting of a political party or this or that, the Police cannot go in. What I said is that public meeting is different from a private meeting. In cases of private meetings, the Police will not go. This clause is not intended for private meetings, and we have widened the definition of public meeting in order to meet any one who tries to get round the Act by means of subterfuge such as admisison to a meeting which is really intended to be a public meeting, but they simply give the colour of its being a private meeting and thereby prevent the Police from going in. As I have repeatedly said in this House, for six years during the most troublesome time,—mark you, that is to say from 1932-1936, when practically the Civil Disobedience Movement had not subsided,

when terrorism was at its height—this provision was in full force, and there is not a single instance which anyone can cite where this power has been abused. Then why is that fear that this power in the future will be abused?

Mr. LALIT CHANDRA DAS: Because that situation does not exist now.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is no reply to what I am speaking. It has been tried, it has been experimented for six years and nobody had any cause for complaint. Unfortunately, this question would not have arisen but for the way in which some people have behaved at some of the public meetings, and therefore Government have to provide this clause. Some of them tried to stop the Police from entering public meetings. That is the only reason for which this has been done. You have had this for six years during troublesome time when there might have been ample opportunities for Police to enter private meetings. Nobody has come forward with the complaint that the Police have entered into a private meeting or any meeting which you consider objectionable for the Police to have gone into. I said, you have had this Bill before the House for the last five days; you are discussing it and I have told you, cite me one instance during the year 1932-1938 where Police have entered any private meeting, or any private house, gone anywhere where they should not have gone, according to this clause.

Dr. RADHA KUMUD MOOKERJI: If it was inoperative, why have it?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was inoperative because the power was there. But I want the powers so that we may go to any public meeting and it is not with the idea of entering private meetings that we seek this power. The reason why the Government is prepared to accept the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain is this. Here, we make a high officer like the Commissioner of Police responsible, that where he in his opinion thinks that it is necessary to send the Police there, the Police will be sent. So I hope the hon'ble members will support this amendment. Government are prepared to accept it just to meet the wishes of the members of this House.

Mr. LALIT CHANDRA DAS: Sir, it will not be possible for us to accept the amendment unless the Explanation is dropped, for the sting is in the tail of clause 2. In giving a definition of "public meeting,"

it has been stated for the purposes of the section "that a public meeting is any meeting which is open to the public or any class or portion of the public and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.' This, Sir, is the most objectionable part of the whole Bill. Now, if a meeting were held in a private place, then, even in spite of the fact that this amendment is added to clause (2), then the Commissioner of Police will be empowered and will have the right, to send his subordinates to that meeting to poke their noses there and to take notes, and whether they report correctly or misreport, that would amount to interference with the civil rights of the people. Therefore, as long as the explanation stands where it is, this amendment cannot be accepted at all by this side of the House.

Mr. KADER BAKSH: Sir, I support the motion of Khan Bahadur Saiyed Muazzamuddin Hosain on the following grounds. It has been said that it will bring in hardship as it is going to give the police reporters the right of entering a private house. Sir, the House forgets that the Commissioner of Police has been given the powers of a first class Magistrate. He is a responsible police officer and he does not gain anything by sending a police reporter where a meeting is being held in a private house between the husband and the wife and their children. There is absolutely no reason for him to send his men to keep records of such things and invade private houses for the purpose of knowing what is going on in private associations or among members of certain political parties. Everybody knows fully well the meaning of the word "public", and that there must be a distinction between what is public and what is private. We understand that and everybody understands that. So, there is no danger of any police officer being allowed by the Commissioner of Police to invade a private house, if there is no danger of a public meeting being held under the shadow of a private house. Then, again, there is a danger in declaring an area as a "proclaimed" area under this sub-section, because that will give an opportunity to the agitators of the country to stir up all sorts of agitation. Sir, why should they declare an area a proclaimed area, and bring the place under the operation of the Act for a period of 6 months, so that nobody will be allowed to hold any meeting? The Government's object is not to "proclaim" any area, prohibiting the public from holding any meeting. So, if a private meeting is really a private meeting and nothing wrong is being conducted there, I do not see what objection can there be if the police is allowed to go to a meeting to have a record made of the proceedings there in order to see what is going on. With these words, Sir, I support the motion of Khan Bahadur Saiyed Muazzamuddin Hosain.

Mr. PRESIDENT: Before I place the amendment before the House, I want to say that I am still considering the point raised by Mr. Humayun Kabir about moving an amendment to this amendment and I would like to consult the Leaders of the different groups in that connection. If they are all agreed, or if most of them agree, then only this small matter may be put off till to-morrow pending the sanction of His Excellency the Governor. I would like to hear the opinion of Rai Keshab Chandra Banerjee Bahadur. Does the hon'ble member think that this proposed amendment to the amendment of the Khan Bahadur is so important that consideration of this clause may be postponed pending the Governor's sanction to this amendment?

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, so far as our party is concerned, we have no objection to this amendment being moved.

Mr. PRESIDENT: What is your opinion, Sir Edward Benthall? I want to have your view as to whether this amendment to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain suggested by Mr. Humayun Kabir, to the effect that the words "to be recorded in writing by the Commissioner of Police" be added to the original amendment, is important enough to justify this matter being postponed till to-morrow, in the meantime asking for the sanction of His Excellency the Governor.

Sir EDWARD C. BENTHALL: Sir, the attitude of my party is that we have no objection to the amendment, but we hardly think that it is of such importance as to justify postponement of the discussion of this question till to-morrow. Is it not possible to obtain that sanction to-day? I believe, Sir, it is possible to do these things by telephone.

Mr. PRESIDENT: I have consulted the Home Minister. He says that he will not be in a position to secure sanction to this amendment during the course of to-day. So, we must wait till to-morrow.

Khan Bahadur Ataur Rahman, what is your opinion?

Khan Bahadur ATAUR RAHMAN: We think, Sir, it is better that the amendment proposed by Mr. Kabir should be considered by the House.

Mr. PRESIDENT: I find that there is unanimity among the leaders of all the groups, that the matter should be postponed to-day pending the Governor's sanction to Mr. Kabir's amendment. So I shall not put the motion before the House to-day.

Dr. RADHA KUMUD MOOKERJI: Sir, I beg to move that in clauses 2 and 3 of the Bill, each of the paragraphs headed "Explanation", appearing at the end of the proposed sections 62D and 39D respectively, be omitted.

Sir, in view of the Government's desire for expedition of this measure, I am trying to help them so that they may expeditiously pass this measure. Now, Sir, I think that all controversy will be very much reduced if the matter of contention which is embodied in the Explanation,—the whole paragraph—is deleted. In support of this amendment I want to say this that, really, the Explanation has hardly any place in this Bill which can be justified. The intention of the Bill is quite clear, and gives an additional argument as to why this Explanations is rendered nugatory. My other reason is this: I am giving the Government an opportunity to rise superior to the level of progress embodied in the Acts of 1907 and 1911. Let them show that in 1939 there has been considerable political progress made in Bengal as a result of which all these mediæval measures of despotism which suited the conditions of 1907 and 1911—all these mediæval measures—are entirely out of place in modern Bengal. I therefore say that the Explanation goes much further than the purpose mentioned in the Preamble. If the object of this measure is simply the rectification of a supposed omission on the part of a previous Government, in that the last measure omitted to include the Commissioner of Police as one of the authorities who can cause reports of public meeting to be taken—if the object of this measure is so simple and limited, namely, the rectification of an error on the part of the then Government, if this object is so simple and limited in its scope, then I do not see any reason why there is needed an elaborate Explanation raising so many points of controversy regarding the very foundations of our civil liberty, and in some respects I feel that some of the words of the Explanation contradict the Statement of Objects and Reasons with which this measure has been brought forward. The Explanation is not quite in keeping with the limited scope of the Statement of Objects and Reasons. The plain Statement of Objects and Reasons is that its object is simply the rectification of an error which was made by oversight. It is not very complimentary to the Government concerned, but granting for the sake of argument that the present Government are right in accusing a previous Government of this error of oversight in an important respect, even granting that, I should say that the Explanation travels very much beyond the limits of the Statement of Objects and Reasons. Therefore on these grounds, firstly, on the ground that the Explanation runs counter to, or rather goes beyond, the limits of the Statement of Objects and Reasons, and secondly, because it introduces words which bristle with controversies, as has already been

testified in an ample measure before this House, on the ground of these two arguments, I do hope that the Hon'ble Home Minister will once more show some of his sweet reasonableness—of which he has such an abundant fund—by agreeing to drop this Explanation and deleting it entirely, so as to set our threatened liberties on a sound foundation. I therefore hope that there should not be any objection on the part of our colleagues at least, all of whose liberties are threatened by this Bill. I hope that there will be a unanimity of opinion in favour of this simple proposal of mine that the Explanation is not called for, and that it is not consistent with the Statement of Objects and Reasons on the basis of which this Bill has been introduced. Let the Bill be confined strictly in its scope to rectification of the error which rectification will simply mean that we add the Commissioner of Police as one of the agents who will be authorised to cause reports of public meetings to be taken. Now, as regards some of the words of the Explanation to which grave objection has been taken, I just quote the words only to show how palpably absurd and how very subversive and dangerous these words are to our liberties. The first thing is this: A public meeting may be held in a private place—what a wonderful logic has been invented by the fertile imagination of the Home Minister! He says categorically that a public meeting may be held in a private place. I do not know, Sir, whether there can be any "private-public" meeting! Sir, the Government ought to have a new dictionary to cover up all these inconsistencies. There is required a dictionary of inconsistencies in order to enable us to understand the full import of this strange Explanation. So, this is the first principle laid down in the Explanation that a public meeting can be held in a private place, or that there may be secret public meeting. Sir, I do not know to what lengths, to what absurd lengths the fertile imagination of the law-givers of this country can go! Another point is that a "public meeting is a meeting which is open to the public or any class or portion of the public" including no doubt the *Harem* and the *Zenana*, because they are also a portion of the public. They are human beings and therefore you cannot exclude them from the purview of this Explanation. So, if you cast your net so wide, I am afraid the poor innocent citizens of the *Harem* and the *Zenana*, they also will be caught in the net. Why do you say that a public meeting is "any meeting which is open to the public or any class or portion of the public"? I should like to have a rational explanation of this.

(At this stage the President retired and Sir Edward C. Benthal took the Chair.)

I have shown the Government a dignified way out. I want to lift them out of their reactionary tendencies; they are riding for a fall. So, pray do not reproduce the obsolete words of an obsolete

piece of legislation,—the mediæval weapons of barbarism. Do not revive those weapons for purposes of modern life and progress. Sir, I am not here speaking as a party man at all, I am appealing to the political consciousness of this House which is expected to show a higher standard and a keener consideration for the common liberty of all the citizens. Can you really justify this strange definition of a "public meeting", namely, "that a meeting will be a public meeting if it is attended by any class or portion of the public"? Where is the limit that you lay down, I do not understand. Sir, the other day in reply to one of my queries the Hon'ble Minister was pleased to admit that a party meeting will not be called a public meeting. But I find from the definition that has been given that although it has been admitted in reply to my question that a party meeting is not to be regarded as a public meeting for purposes of police reporting, yet what the law lays down is that a public meeting may be any meeting which is open to the public or any class or portion of the public.

I should say that this portion will include also the ladies and women. Therefore ladies' meeting can also be invaded by the Police people. Now if the admission to such a meeting held by a portion of the public, held by the ladies, if there is any such meeting held by the ladies in the privacy of their homes, if any such meeting has its admission confined only to invitees who are formally invited by letter or by ticket, even that also will not prevent such a meeting from being regarded as a public meeting if it appears to be a public meeting in the individual judgment of the Commissioner of Police. We have heard a good deal about the individual judgment reserved to His Excellency the Governor, but I did not think that the sphere of individual judgment which the Constitution reserves to the Governor, that sphere will also include that to be reserved for the Police and that the Police will be entitled by our opinion, by our consent to a sphere of his own individual judgment. If in the individual judgment of the Commissioner of Police a meeting is to be called a public meeting, it will be liable to be reported by how and what procedure? By an invasion of the Police people into the private place? I do not think that there is any limit to the excesses to which the Police are liable on account of their past antecedents, and therefore I say that on these grounds which really are not quite in keeping with the Statement of Objects and Reasons, on account of all these grounds I say this Explanation is absolutely superfluous and uncalled for, and it should be deleted.

Mr. CHAIRMAN (Sir Edward Benthall): Amendment moved that in clauses 2 and 3 of the Bill each of the paragraphs headed "Explanation", appearing at the end of the proposed sections 62D and 39D respectively, be omitted.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: আমার বক্তব্য এই যে যে আইনের ব্যবস্থা করা হচ্ছে তাতে যে কোন মিটিংকেই যখন পাব্লিক মিটিং বোলে গণ্য করা চলে, তাহলে কোন বিবাহ বা মেয়ে ছেলেদের সম্মিলনকেও বাদ দেওয়া হচ্ছে না। যদি কোন বিবাহে অনেকগুলি মেয়ে ছেলে উপস্থিত থাকে,—সেখানেও কোন উচ্চ কর্ম্মচারীর ব্যবস্থা করা হয় নাই, হেড্ কনষ্টবলই উপস্থিত থাকতে পারবে। তারাই সেখানে উপস্থিত থেকে মেয়ে ছেলেদের বিরুদ্ধে রিপোর্ট দিতে পারে। মুসলমানদের জুম্মার নামাজে 'খোদ্‌বা' বোলে একটি জিনিষ আছে। সেখানে যদি কোন নূতন কথা, কোন রাজনৈতিক কথা যদি উচ্চারণ করা হয়, সেখানে যদি কোন হেড্ কনষ্টবল্ উপস্থিত থাকে, আর তার যদি ইচ্ছা হয় রিপোর্ট দিবার, তা'হলে সে এই অধিকারের অপব্যবহার কোরে অবশ্যই রিপোর্ট দিতে পারবে। সুতরাং এই বিলে অতি নিম্নতর শ্রেণীর পুলিশের যে, যে কোন মিটিংএ যাবার ক্ষমতা দেওয়া হয়েছে এর চেয়ে আপত্তিকর ব্যাপার আর কি হতে পারে? এমনি একটা পুলিশের সম্বন্ধে লোকের ধারণা যে, একজন পুলিশের ইন্সপেক্টর জেনারেল পর্য্যন্ত এক সময় বোলেছিলেন যে, "যদি Bengal Police আমার পিছনে লাগে, তাহলে আমি এ দেশ ছেড়ে বিলেতে চোলে যাবো"। সুতরাং পুলিশ যে কি জিনিষ সে সম্বন্ধে আর বেশী বলা নিষ্প্রয়োজন, সেই পুলিশের মধ্যেও নিম্নতর পুলিশদের হাতে ক্ষমতা দেওয়া খুব আপত্তিজনক। সুতরাং সংশোধন প্রস্তাবটা গ্রহণ করাই আমি উচিত বোলে মনে করি।*

Mr. NUR AHMED: Mr. President, Sir, I would like to say a few words on the motion moved by my hon'ble friends, Mr. Kabir and Dr. Mookerji. Sir, his eloquent peroration has not convinced me. It appears to me that the omission of this Explanation will make matters worse. If the first portion of the clause is passed, and the Commissioner of Police is given wide powers, and there is no definition of public meeting, it will give rise to difficulties and there may be series of litigation to interpret the words "public meeting", which is not desirable. Secondly, the Court will have to find out what is the meaning of "public meeting" and the Court will easily find the necessary definition in the Seditious Meetings Act, 1911. This Explanation is also taken from that. The definition is also given in Section 8 of the Public Security Act, 1932, which has expired recently. So, it will give rise to some difficulty. If the learned mover accepts the first clause, there is no reason for the omission of the "Explanation" portion. I do not say that the Explanation is an ideal one, or that it is without defect, but my only argument is that it will make the matter worse. It will not improve the Bill in any way. So, I oppose this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in the absence of the Hon'ble Home Minister, perhaps the House will permit me to offer a few comments on the eloquent speech made by the hon'ble Leader of the Opposition. He has allowed his imagination to run riot, even to the extent of invading the *harem* and the *zenana*. But I would like to point out to the hon'ble member and the members of

*An authorised English translation of this Bengali speech will be found in the Appendix.

this House that the Commissioner of Police who is to judge as to whether there is a public meeting or not, is possibly one of the most important and most responsible officers of the Crown, and we can certainly rely upon his judgment and his discretion that he will not abuse the powers which are proposed to be given to him under this amendment.

Mr. LALIT CHANDRA DAS: Is he responsible to the Ministry?

The Hon'ble Mr. H. S. SUHRAWARDY: Undoubtedly; all officers of the Crown are responsible to the Ministry. A responsible person occupying the position of the Commissioner of Police may be credited with a certain degree of foresight, knowledge and responsibility which will prevent him from abusing the powers with which he is going to be invested. There is not the slightest suggestion whatsoever that it is proposed to invade a marriage ceremony——

Dr. RADHA KUMUD MOOKERJI: Is it ruled out by your wording? That is the point.

The Hon'ble Mr. H. S. SUHRAWARDY: The question is not as to what is ruled in and what is not ruled out. The point is this; if you do not put it in, that is to say, "any class or portion of the public", will certain meetings supposed to be confined to a certain class be ruled out or not, which it is necessary for us to get information about.

Dr. RADHA KUMUD MOOKERJI: Class may mean caste.

The Hon'ble Mr. H. S. SUHRAWARDY: For instance, there may be a meeting which is announced to be confined only to those who profess Communism, that is to say, to a certain class of the public, a certain class only who profess Communism. Would you say under the circumstances, would the Congress Ministries in their own provinces say that if rabid communists were to meet together for the purpose of hatching a revolution and a plot, the police or the Government should not be made aware of their intentions and of their conspiracies——

Dr. RADHA KUMUD MOOKERJI: If it is a caste meeting?

The Hon'ble Mr. H. S. SUHRAWARDY: The point is not as to what is ruled out or what is ruled in. The point is this, that if you exclude this, will certain kinds of meetings which ought to come under the investigation of Government, be excluded or not. As I say, you may include many things. If you want to exercise your imagination, you may say that a meeting of babies in their creches come under this

class or portion of the public. Suppose a baby is a prodigy and issues a notification that all babies on the various public creches should meet together in a particular place for the purpose of protesting against the manner in which they are bathed by the nurses or something to that effect; it is clearly obvious that even if a meeting like that was called, it comes strictly under the definition of this Explanation. The Commissioner of Police is not going to put himself out for the purpose of sending a head constable or anything of that kind in order to investigate as to what the babies are saying in their creches. That is why I say, the question is not what is ruled out. The point is this, if that is not put in, will certain kinds of meetings which ought to be investigated, be excluded or not, and we are not prepared to take the risk of excluding meetings of any class or portion of the public.

As regards my friend, Khan Bahadur Maulvi Mohammed Ibrahim, I would request him please not to bring in again this religious issue. May I tell him when he talks about head constables being permitted to attend Jumma congregations deputed by the Commissioner of Police——

Mr. LALIT CHANDRA DAS: Khan Bahadur does not understand English.

The Hon'ble Mr. H. S. SUHRAWARDY: He understands perfectly well.

Mr. LALIT CHANDRA DAS: No, he is looking vacant.

[At this stage Mr. President returned to the Chair.]

The Hon'ble Mr. H. S. SUHRAWARDY: You do understand, don't you Khan Bahadur? He understands it possibly much better than certain members of the Opposition.

Mr. PRESIDENT: Order, order.

The Hon'ble Mr. H. S. SUHRAWARDY: As Khan Bahadur knows his religion very well, he must know that there is no hindrance at all to anybody whether he is a head constable or not, to go——

Mr. NARENDRA CHANDRA DATTA: Khan Bahadur is requesting the Hon'ble Minister to speak in Bengali.

The Hon'ble Mr. H. S. SUHRAWARDY: Shall I speak in Bengali, Sir?

Mr. PRESIDENT: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: বোধ হয় খান বাহাদুর সাহেব এটা বোঝেন নাই, এটায় Commissioner of Police তাকেই ক্ষমতা দেওয়া আছে, তাঁর একটা যে constable তাকে নয়। সেখানে Head constable কে ক্ষমতা দেওয়া হচ্ছে না। ক্ষমতা দেওয়া হচ্ছে Commissioner of Police কে। Head constable এর ক্ষমতা নাই যে, ইচ্ছা কোরে সেখানে যেতে পারে। Khan বাহাদুর সাহেব বোলেছেন যে, আমাদের দেশের অবস্থা যে রকম এবং Police যে রকম অত্যাচার করে, সেজন্য আমরা Police কে ক্ষমতা দিতে চাচ্ছি না। কিন্তু তাকে বোলে দিচ্ছি Head constable কে ক্ষমতা দেওয়া যাচ্ছে না। এখানে দেওয়া যাচ্ছে ক্ষমতাটা একদম বড় সর্দ্দার যিনি most responsible officer যিনি আছেন, তাঁকে ক্ষমতা দেওয়া যাচ্ছে।*

Mr. PRESIDENT: The Hon'ble Minister must now speak in English, as English is the language of the House. I gave him a special concession to speak in Bengali for the convenience of Khan Bahadur Maulvi Md. Ibrahim, but now he must speak in English.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am grateful to you for having come to my rescue. As I was explaining to the Khan Bahadur, he should not be at all anxious that the private and religious rights of persons will be unduly invaded if this Bill is passed into law. And I do hope that the hon'ble members in the Opposition will realise that there is really no reason for their apprehension of the likelihood of any abuse of power in this matter, and that we can trust our officers in their individual judgment. Every single administrative officer has got to exercise his individual judgment. Had he not had such individual judgment, he would not have been able to carry through his duties for one single day, particularly a Police Officer or a Magistrate.

Dr. RADHA KUMUD MOOKERJI: But why give him these added duties?

The Hon'ble Mr. H. S. SUHRAWARDY: We are not going to give him added duties. He has individual judgment but he has not power to enter into certain meetings. There are meetings from which the authorities and the officials are excluded and deliberately excluded, and it is proper that in the interest of peace and in the interest of Order which I am perfectly certain hon'ble members of the Opposition also desire should be preserved in this province, the police should have the power, as the guardians of Law and Order, to observe what is going on. If the mentality of the members is such that the police is not going to be considered the guardian of Law and Order, if the mentality of the hon'ble members is such that the police is inimical to the people,

*An authorised English translation of this Bengali speech will be found in the Appendix.

if they consider them as persons who are out to break Law and Order, rather than preserve it, then certainly I can understand the objection of the hon'ble members of the Opposition. But if they consider that the police are persons who are invested with the right of preserving peace and to see that no untoward events happen, as would undoubtedly happen on certain occasions, then the police should be invested with the powers of going to these meetings and if possible of nipping any mischief in the bud before it assumes serious proportions.

Mr. PRESIDENT: Sir Nazimuddin, do you want to say anything?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I have nothing further to add.

Mr. PRESIDENT: The question before the House is that in clauses 2 and 3 of the Bill, each of the paragraphs headed "Explanation", appearing at the end of the proposed sections 62D and 39D respectively, be omitted.

The House divided:—

AYES—18.

Rai Bahadur Keshab Chandra Banerjee.	Mr. Humayun Kabir.
Rai Bahadur Manmatha Nath Bose.	Rai Bahadur Brojendra Mohan Maitra.
Mr. Shrish Chandra Chakraverti.	Mr. Naresh Nath Mookerjee.
Mr. Monzzemali Choudhury.	Dr. Radha Kumud Mookerji.
Mr. Lalit Chandra Das.	Rai Bahadur Satis Chandra Mukherji.
Mr. Bankim Chandra Datta.	Mr. Ranajit Pal Choudhury.
Mr. Narendra Chandra Datta.	Mr. H. P. Poddar.
Mr. Kamini Kumar Dutta.	Mr. Sachindra Narayan Sanyal.
Mr. Kanai Lal Goswami.	Rai Sahib Jatindra Mohan Sen.

NOES—18.

Mr. Mesbahuddin Ahmed.	Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Kader Baksh.	Khan Bahadur Syed Muhammad Ghaziul Huq.
Sir Edward C. Benthall.	Khan Bahadur Muhammad Asaf Khan.
Khan Bahadur Rezzaqul Haider Chowdhury.	Khan Sahib Subidali Molla.
Mr. D. J. Cohen.	Begum Hamida Momin.
Mrs. K. D'Rozario.	Khan Bahadur Ataur Rahaman.
Mr. R. W. N. Ferguson.	Mr. Mukhlesur Rahman.
Nawabzada Kamruddin Haider.	Rai Bahadur Radhica Bhusan Roy.

Mr. PRESIDENT: The House has divided: for the motion 18, against the motion 18. So, there is a tie and the Chair will now have to give its casting vote.

The Parliamentary convention is that the Chair should cast its vote in such a manner as to maintain the *status quo*. As the Bill under discussion is a new piece of legislation which seeks to confer

powers on the Commissioner of Police, Calcutta, not enjoyed by him under any existing law, the Chair thinks that the *status quo* would be maintained if the amendment of Dr. Mookerji is carried.

The Chair, therefore, casts its vote for the amendment and the result is that the amendment is carried.

(Cheers and applause from the Opposition Benches.)

Mr. HUMAYUN KABIR: Sir, I believe that as a result of the abolition of the Explanation, my amendment on the Explanation does not arise.

Mr. PRESIDENT: Yes, it is not necessary.

I now adjourn the House till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 15th March, 1939.

Members absent:

The following members were absent from the meeting held on the 14th March, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Dr. Arabinda Barua.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur S. Fazal Ellahi.
(5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(6) Mr. Mohammad Hossain.
(7) Khan Bahadur M. Abdul Karim.
(8) Maulana Muhammad Akram Khan.
(9) Mr. T. Lamb.
(10) Mr. J. McFarlane.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Mr. Nagendra Narayan Roy.
(13) Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh.
(14) Rai Sahib Indu Bhusan Sarker.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Rai Surendra Narayan Sinha Bahadur.

B. G. Press—1939-40—125A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 15th March, 1939, at 2-15 p.m. being the nineteenth day of the First Session, pursuant to section 62 (2), (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Jagannath Intermediate College.

124. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur Kazi Abdur Rashid): Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact—

(a) that the members of the staff of the Jagannath Intermediate College sought permission from the Principal on the 17th December, 1938, to wait in deputation upon the Hon'ble Minister of Education in order to place their case before him for graded salaries for the staff, and

(b) that the Principal refused to give such permission?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) Yes.

(b) Yes. The Principal thought that, as he himself had taken action regarding the grievances of the staff, a deputation to me would not serve any useful purpose.

Mr. RANAJIT PAL CHOUDHURY: Are we not to understand that the higher authorities can be treated as an appellate body too?

The Hon'ble Mr. NALINI RANJAN SARKER: I think there is a governing body of that institution.

125. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur Kazi Abdur Rashid): Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether books for the Jagannath Intermediate College Library are purchased in the cheapest market:

(*b*) whether quotations are asked for from different book-selling firms before orders are placed; and

(*c*) whether these quotations are placed before the Auditor at the time of audit?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) I have been informed by the Principal of the Jagannath Intermediate College that books for the College are purchased in the cheapest market. Most of the important and expensive books are purchased from the well-known firms of Heffer, Cambridge. A certain quantity of books, mostly text-books, are purchased from Newman's, the Book Company of Calcutta and a small quantity locally, according to requirements.

(*b*) All these are well-reputed and reliable firms with printed price lists.

(*c*) All bills are placed before the Auditor.

126. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Khan Bahadur Ataur Rahman): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the very first resolution which was unanimously passed by the Council in August, 1937, was on the subject of a comprehensive irrigation policy?

(*b*) If so, what action has been taken by Government on the subject?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) Dr. Radha Kumud Mookerji's resolution referred to was passed without a division.

(*b*) In view of the interest taken in irrigation questions as reflected in the resolution, a conference of eminent scientists and others was held in July, 1938, to consider a note by the Chief Engineer, Irrigation Branch, on the river problems of the province. The resolutions of the conference are now under the consideration of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I know why the Committee was not appointed according to the resolution that a Committee was to have been appointed to go into the question of irrigation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The reason was that we had a Committee more or less on similar lines.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why not in the fashion in which it was asked for in the resolution?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Government thought that it would be only duplication of work.

GOVERNMENT BILL

The Calcutta and Suburban Police (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further consideration of the Calcutta and Suburban Police Amendment Bill, 1939.

Mr. HUMAYUN KABIR: Sir, I beg to move that in the amendment moved by Khan Bahadur Saiyed Muazzamuddin Hosain in clauses 2 and 3, after the words "Commissioner of Police" the words "to be recorded in writing" be inserted.

Sir, I do not propose to make a speech in support of this amendment, but only want to make clear what is probably implied in the clause of the Bill itself. It is provided in the Bill that the Police Officer not below the rank of Head Constable or other persons can attend the meeting only by written order of the Commissioner of Police, but to that an amendment is being moved by Khan Bahadur Saiyed Muazzamuddin Hosain that the officer in question can be sent if only in the opinion of the Commissioner of Police the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and tranquillity. I only want that this opinion of the Commissioner of Police should also be recorded. The opinion should not be a verbal one, but it should be an opinion recorded in writing.

Mr. PRESIDENT: Amendment moved that in the amendment moved by Khan Bahadur Saiyed Muazzamuddin Hossain in clauses 2 and 3, after the words "Commissioner of Police" the words "to be recorded in writing" be inserted.

Dr. RADHA KUMUD MOOKERJI: Sir, I do not like to inflict upon this House any long speech of mine, because it is not necessary, but I wish to make an appeal to the Hon'ble Home Minister and I hope that he won't oppose this amendment. I have another reason why I make this appeal. I find, Sir, that while the Home Minister has begun his project on the supposition that the Governments of previous times made a mistake which he wanted to be rectified, he has gone a little further by providing that the Commissioner of Police might send Police officers up to the rank of Head Constable to report proceedings.

Formerly, the provision was that the Commissioner of Police might send persons up to the rank of Inspector of Police, and he has gone down further. I hope he has not gone down further in his ideals of democracy in regard to this improvement. I therefore say, Sir, that this amendment is called for so that the Commissioner of Police might have a full sense of responsibility in launching actions which might strike at the liberties of the people. So, if he really has to record his reasons in writing, it will be a great safeguard for popular liberty. In that connection, I am reminded of the famous High Court case where Mr. Justice Fletcher passed a judgment and threw out a case for Police search on the only ground that the Magistrate of the day failed or omitted to record his reason for the search in writing, and on that one point that great case was lost by the Police at the High Court. I therefore think, Sir, that we shall all be unanimous on this amendment, and I make an appeal that the Home Minister himself will cause that change to be made so that the Commissioner of Police may depute officers up to the rank of the Inspector of Police for reporting proceedings.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Dr. Radha Kumud's speech was not an appeal, but a deliberate provocation to oppose the amendment. As the amendment at present stands, I am afraid it is grammatically a very bad drafting, but in view of the fact that yesterday I gave the House to understand that if the amendment is moved, I will accept, I do not propose to oppose. (Cheers from opposition benches.)

Mr. PRESIDENT: The question before the House is that in clauses 2 and 3 of the Bill in each of the proposed sections 62D and 39D, after the words "Proceedings of such meetings", the following be inserted. namely:—

> "if in the opinion of the Commissioner of Police the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and tranquility";

since which an amendment have been moved by Mr. Humayun Kabir that in the amendment moved by Khan Bahadur Saiyed Muazzamuddin Hosain in clauses 2 and 3, after the words "Commissioner of Police" the words "to be recorded in writing" be inserted.

The question is that the amendment to the amendment be made.

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is the amended amendment that in clauses 2 and 3 of the Bill in each of the proposed

sections 62D and 39D after the words "Proceedings of such meetings" the following be inserted, namely:—

"if in the opinion of the Commissioner of Police to be recorded in writing the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and transquility".

(The question was agreed to.)

Mr. KADER BAKSH: Mr. President, Sir, may I make one request to you, Sir, and to the Hon'ble Home Minister? We hear, Sir, that the Council will again be called on the 13th of April. In that case——

Mr. PRESIDENT: Let this Bill be considered first. It is not yet finished.

The paragraphs entitled "Explanation" having been omitted, all other amendments on the "Explanation" are out of order. I think no member is willing to move any other amendment standing in his name on the main clause and not on the Explanation.

Mr. NARESH NATH MOOKERJEE: Sir, there are two other amendments standing in the name of Dr. Mookerji.

Mr. PRESIDENT: It is the duty of the particular member to stand up. It is not the duty of the Chair to call the member.

The question before the House is that clauses 2 and 3 as amended stand part of the Bill.

(The question was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the title and preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, as settled in the Council, be passed.

Sir, in this connection, I would just like to say one word. Government have decided to accept the decision of the House and not move for its reversal in the other House ("Hear, hear"), but it is on the definite understanding that no attempt will be made to circumvent the provisions of this Act, that is to say, where the meetings that are genuinely public meetings, if attempts are made to convert them into private meetings for the purpose of excluding the Police, then Government will very soon have to bring in another Bill, perhaps more drastic, and at that time they will see that there may be no tie. (Loud laughter.)

Mr. PRESIDENT: Motion moved that the Calcutta and Suburban Police (Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. RANAJIT PAL CHOUDHURY: Sir, I rise to oppose the Bill as a whole even at this stage, as its potentialities are mischievous in all conscience. The sanctity of our hearths and homes are going to be sacrificed to the Police. Sir, it is a sad commentary that a democratic Ministry while thinking fit to release the detenus contemplates such a pernicious measure to curtail the rights of private and peaceful citizens. In a place like Calcutta and its suburbs, meetings in private places are sure to be held to give publicity to some wrong or to ventilate some grievance. But, Sir, what will happen now is that taking advantage of this legislation, the Police will enter all places of meetings and on the slightest pretext try to break them up or bring about demoralization amongst the conveners and speakers. Thus, Sir, the most valuable civic right, namely, the right of association, will be jeopardized. The Hindus will suffer more than the Muslims, because the former are habitually more inclined to ventilate wrongs constitutionally by holding meetings. Then, Sir, what the special necessity is at this time for such an extraordinary measure is beyond our conception. All the same, Sir, it is patent that it is not arising merely out of a dire necessity to cover some technical defect in the already existing legislation on the subject, but the reasons are very obvious. Sir, notwithstanding this oppressive measure, the unpopularity of the present Ministry will never be subdued until and unless it changes its arbitrary policy.

With these words, I oppose the amending Bill fashioned on the lines of the infamous Irish Repressive Laws.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the motion that the Bill be passed. There is no rhyme, no reason behind the Bill. We repeatedly wanted to know where was the emergency now that this Bill must be enacted into law? We pointed out to the Home Minister that both the repressive laws,—the Prevention of Seditious Meetings Act and the Public Security Act—owed their origin to extraordinary and tumultuous circumstances. We also pointed out that in the case of application of the Seditious Meetings Act an area had got to be proclaimed a "proclaimed" area. You cannot proclaim an area a proclaimed area at your own sweet will. You have got to be satisfied that circumstances now exist which would justify you to proclaim an area as a fit area for the application of the Seditous Meetings Act. You have got to be satisfied that seditious meetings are being held continuously and that a disturbance of public tranquillity will result, therefrom. An easy conscience may melt at the first whisper of police spies, but, Sir, a responsible Ministry, answerable for its action to an intelligent electorate, will not melt so easily, and so to get an order of declaration that an

area is a proclaimed area is very difficult, and what is the most important also is that the notification would last only for six months. Sir, all these were pointed out as against the Home Minister's attempt to permanently give this additional power to the Commissioner of Police, incorporating it in a permanent Statute, such as the Calcutta and Suburban Police Act of 1866. The attention of the Home Minister was also pointedly drawn to the fact that the power to depute subordinates for reporting the proceedings of a public meeting was first given to the police in 1907, but they were tried and found wanting. That was pointed out and in consequence that power had to be withdrawn in the year 1911 and vested in the District Magistrate or a first-class Magistrate authorised by the District Magistrate in this behalf. But, Sir, all these were in vain. The Home Minister was adamant. He would listen to no reason, he would listen to no argument. He was even told that the primary and essential duty of the Commissioner of Police, Calcutta, was that of a Justice of the Peace, and not to act ordinarily as a Magistrate. Yet when this power was withdrawn from the police and given to the District Magistrate in 1911, the Provincial Government might under section 6 of the Calcutta and Suburban Police Act appoint the Commissioner of Police, Calcutta, a Magistrate and then there would be no necessity of incorporating for all time to come the mischievous and reactionary provisions of a repressive law in the ordinary law of the land. But that was not the intention of the Ministry. The intention of the Ministry was to indirectly make permanent the Public Security Act of 1932 which lapsed in December 1938. The re-enactment of the whole Act was perhaps difficult. Probably the party members of the Home Minister would revolt and break the Ministry. The *raison d'etre* of that Act was the existence of emergency, but now there is no emergency. When I pointed out that no emergency existed now and therefore the new power sought to be given to the Commissioner of Police was uncalled for, and that such power should in no circumstances be given permanently, the Home Minister's reply was that the power had been in existence since 1932, and that the Public Security Act owed its origin to a very tumultuous time. But the question is where is the tumult now and where is the emergency? The Hon'ble Home Minister's reply was the same, namely, that the power existed and so the power must be given. What, then? Sir, this is the kind of mentality we are dealing with, which is utterly unsuited to a democratic form of Government. To our amazement, the protagonists of police rule claim as a matter of right that as a responsible Ministry they should be armed with all powers beforehand to be used when necessary. Sir, a Hitler or a Mussolini did not demand more! By long association with bureaucrats and nursed and schooled in their modes of thoughts during the best years of his life, Sir Nazimuddin finds the change too difficult, finds it too difficult to understand that the executive should not be armed with more power than what is demanded by the exigencies of the moment. Sir, mark

the words in sections 2 and 3 of the Bill, "not being below the rank of head constable or other persons to attend any public meeting for the purpose of causing a report to be taken of the proceedings of such meeting." Sir, "other persons" may cover a lot of spies or head constables who may not have the intelligence or education to follow the proceedings of meetings or understand the language or the meaning of the speeches, yet on their reports will depend the liberties of the citizens of Calcutta. Sir, how is the Commissioner of Police to know beforehand where and when a public meeting is going to be held? So, a general standing order in writing would be the usual method of authorising the head constables of all thanas under him and the listed spies to go and attend such meetings. For all practical purposes, therefore, this power is given to the police generally, although in the main it would be given to the Commissioner of Police. As experience has shown, this was too wide a power to be given to the police and so it was withdrawn in 1911. With what face now is it again sought to be given to the police? My friend, Professor Humayun Kabir, my friend Mr. Shrish Chandra Chakraverti and my friend Mr. Ranjit Pal Choudhury gave instances of the unnecessary interference of the police in public meetings and with the rights and liberties of individual persons. This should have been a complete answer to a new reservation of powers for the police. But nothing daunted, the Home Minister insisted that the Bill be made into law, no doubt relying on his majority. Sir, democracy degenerates into mobocracy when democracy depends not on equity, justice and fair-play, but on the tyranny of votes. Sir, once again I appeal to the Hon'ble Home Minister to withdraw the Bill, as there is no justification for it now. With these words, I oppose the Bill, and I trust the House will throw out this measure which is unworthy of autonomous Bengal where the rights of the people are to be permanently built up against the onslaughts of old thoughts and old ideas.

Mr. PRESIDENT: Does Sir Nazimuddin want to reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: If even after the omission of the "Explanation" such kinds of speeches are made, I have nothing further to say, Sir.

Mr. PRESIDENT: The question before the House is that the Calcutta and the Suburban Police (Amendment) Bill, 1939, as settled in Council, be passed.

The question was agreed to.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members absent.

The following members were absent from the meeting held on March 15, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Dr. Arabinda Barua.
(3) Mr. Hamidul Huq Chowdhury.
(4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(5) Nawabzada Kamruddin Haider.
(6) Mr. Mohamed Hossain.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Khan Bahadur M. Abdul Karim.
(9) Mr. J. McFarlane.
(10) Rai Bahadur Satis Chandra Mukherji.
(11) Khan Bahadur Kazi Abdur Rashid
(12) Mr. Nagendra Narayan Ray.
(13) Maharaja Sir Manmatha Nath Ray, Chowdhury.
(14) Rai Sahib Indu Bhusan Sarker.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Mr. D. H. Wilmer.

APPENDIX

Authorised English translations of Bengali speeches delivered in the Bengal Legislative Council.

I.—Adjournment motion on the situation created in the district of Noakhali due to communal riots.

(*Speech delivered on 13th February, 1939, see page 133.*)

English translation of the Bengali petition read out by Rai Keshab Chandra Banerjee Bahadur:—

"For very long years we the Hindus have been living on friendly terms with the Moslems. Few have been the occasions for discord between the two communities. For a month past, several rowdy Moslems have been propagating communal ill-feeling from bazar to bazar and village to village with the object of achieving their selfish ends. Communal hatred is being excited among the Moslems by preaching lies as follows: 'The local Hindus have been importing six to seven hundred armed Hindus from Calcutta with a view to teaching the Moslems a lesson'. Of late, propaganda is being carried on in the neighbouring Sundarpur and Lemua Bazars for the purpose of preventing Moslems from making any purchase at Hindu shops and on 15th *Magh*, 1345 B.S., Moslems picketed Hindu shops in the last named bazar. Such organized preaching of communal hatred has recently resulted in the looting of the houses of a few Hindu *mahajans* near the Myhuriganj station by Moslems numbering more than one thousand. We, therefore, humbly pray that orders may be issued directing immediate steps to be taken to stop the communal propaganda carried on by some Moslems and to protect us, the Hindu minority, from suffering loss and molestation in any form."

II.—Resolution about imposition of import duties on rice and paddy imported from foreign countries.

(*Speech delivered on 14th February, 1939, see page 162.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, the out-turn of crop in Bengal is not sufficient to meet the demand for it. In most of the villages in Bengal 75 per cent. of the cultivators purchase either paddy or rice for their consumption. Apart from this, most of the people living on agriculture are either *bargadars* or petty *raiyats*. Their outturn of crop is not enough to make both ends meet.

When does famine break out in the country? It is only when the people in general, that is, the cultivators have no option but to purchase their foodstuffs. There is no famine when the middle class people take to purchasing their supplies of food. While famine rages, that is, when almost every cultivator has to purchase his foodstuff, he reaches the last extremity of want and misery if no consignment of paddy arrives from outside. Hence, it cannot be denied that there is need for the consignment of rice and paddy arriving from without and thereby saving the country. Of course, Mr. Nur Ahmed will say a lot of things,—he will perhaps say that the lesser the import of food grains the greater will be the price of agricultural produce in the country; consequently, the greater the profit of the cultivator, the greater will be the amount of wage received by the labourer. But they will not stand to gain by this. For, if they have to purchase their foodstuff with the extra amount received, how can there be any expectation of gain at all? In fact, any tax imposed upon foodstuffs, no matter whether it is due to imports or exports, never improves matter. It might have been possible to support such taxation had it been on any other grain, but a tax on food grains can on no account be supported.

III.—The Bengal Rural Poor and Unemployed Relief Bill, 1939.

(Speech delivered on 20th February, 1939, see pages 234 and 240.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, the Bill presented by our hon'ble friend Khan Bahadur Hosen Sahib appears to be like building castles in the air. For, it makes no provision for money. The whole project is based on charity. He has spoken of a Poor Box, but I am not aware of anybody, willingly paying anything into the Poor Box. Even if anybody gives anything, no account of it is kept or given. Next, as for the collection of subscription, if we approach the Rajas and Zamindars who pay lavishly when Governors and such high persons are concerned..... (interruption)..... Meanwhile, the Hon'ble Revenue Minister has escaped scot free and provided not even one brass farthing out of the Revenue Fund. If he——

Mr. PRESIDENT: What you have been speaking about will come up later. You may oppose the Bill when it is going to be passed, but not now.

Mr. PRESIDENT: Maulvi Mohammad Ibrahim, now go on please, with what you wanted to say.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: As I observed before, this Bill provides for not a single farthing worth of grant out of the Provincial Revenues. Where will the money come from then? Charity?—no body makes any charity unless he is approached for it and there are occasions when many people give nothing even if they are approached. Hence, there is nothing unreasonable in Mr. Nur Ahmed's proposal to create a fund at least with the contributions of the Union Boards at the rate of 5 per cent. of their income. All the money of the Union Board comes from the villagers. Of course, there are enough wants to meet there. Nevertheless, I am in a position to say that much money belonging to the Union Board is spent on unnecessary items of work. I would, therefore, suggest that much useful purpose would be served if the Union Boards contributed at least 5 per cent. of their income.

IV.—General discussion on the Budget.

(Speech delivered on 22nd February, 1939; see page 317.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Sir, in discussing the Budget Estimates, if the ghost of communalism does not possess me, the first word I should like to say is that the provision made by the Hon'ble Finance Minister in this year's Budget for education, that is to say, for the education of rich, has been quite enough. As for instance, mention may be made of the Purdah College, Eden College, Kamarunnesa School, Bethune College, the Muslim Hall, St. Xavier's College, Burdwan Raj College and Brajamohan College. I do not find any trace of communalism in it. Hence, he deserves congratulation on this provision in the Budget for education, that is, for the education of the rich and I thank him for this. There is no place for the poor in all these provisions made by him. The poor cannot reach as far as that. They cannot afford to have anything to do with the education imparted in the college. Unfortunately, not even a paltry amount has been set apart in the Budget for all those poor people. A very niggardly amount has been allowed in the Budget for cultivators who form, as it were, the backbone of the country and the capital of the nation. I believe that three-fourths of the revenue come from their pockets. Nevertheless, it is they who have been left illiterate. Very small allowance has been made for them in the Budget. It is for this reason that we can never support this Budget. The cultivator's education reaches no further than Primary Education. It is for this Primary Education again that an insufficient amount of rupees five lakhs only has been assigned. It should be considered as extremely inadequate in

comparison with 4½ crores allotted to other kinds of education. Ninety per cent. of the total population of the country are cultivators. Of these, not more than 2 per cent. have any knowledge of the three R's. The demand for Primary Education may be inferred from this. It is said that Primary Education cannot be introduced for want of money. But my belief is that there is no want of money. Enough of gold was there in the country but all the gold and silver are like camphor evaporating into foreign countries. The stock of gold and silver in the country is getting depleted. Hence there is much less to fear from thieves and dacoits in the country. For what will the thieves and dacoits now break into the dwelling places of the cultivators? Next, the terrorists have also been suppressed by various means. For all these reasons the police expenditure may be substantially curtailed. Besides, if the small number of terrorists who are still in detention are released, it will perhaps help to cut down police expenditure to a very considerable extent. Next, there are so many departments under the Government, but no officer in all these departments receives any house allowance, while every police officer, beginning from the constables up to the Deputy Superintendents of Police and Superintendents of Police is given house allowance. This amount of expenditure may easily be curtailed. The man who never felt any disturbance to his sound sleep under the shade of a tree, gets no sound sleep without a mosquito curtain made of net the very moment he is appointed to the post of a constable. No small amount of expenditure is incurred on these mosquito curtains. This can be curtailed without any difficulty. Jute is a monopoly of Bengal. The cultivator raises it by the sweat of his brow. Huge sums of money on account of jute duty are being received by the Government. This has swelled the income of the present Government much more than that of the past. With the amounts received on account of the jute duty and the amount to be released by cutting down police expenditure free primary education for the poor can easily be introduced. Perhaps there is no necessity of imposing any tax either on the zamindar or on the cultivator for this purpose. I also spoke on this subject during the last Budget session. It is a misfortune for us that the Government paid no attention to that. Three Budget sessions passed away. The next year's Budget also makes no mention of it. I, therefore, cannot believe that free primary education will ever be introduced during the regime of the present Ministry. For, this Ministry is constituted of capitalists. It does not want that the poor should have any education. As soon as they have the light of education, they will be clamouring for various things. This the present Government do not consider desirable. Hence I cannot believe that the present Government is going to introduce free primary education. It may be introduced if any other Government steps into their place. We cannot say what the tug-of-war going on between the Ministry and the public, and the Assembly and

the Council on account of the primary education will lead to in future. Be that as it may, I would like to say in this connection a word more to the Hon'ble the Finance Minister.

That word would be extremely heart-rending. There is perhaps none in this House who did not read with and receive lashes from *gurumashais* like Nidhiram Sarkar or Karjulla Pandit. Even Maharaja of Santosh or Mr. Nalini Ranjan Sarker is perhaps no exception. He (pandit) works in that capacity all his life. But what does he get? He gets Rs. 3 or Rs. 4 as his monthly salary. It is also not certain that he gets that sum even. Being a *bhadralog* he does not get what even the village choukidar gets as his pay. I am afraid the salary of one peon attached to this House will be more than the amount of salaries of four such pandits. No provision has been made in the Budget for these poor people. Why should you make provisions for them? How can they who sleep on milk-white beds and eat palatable dishes remember the poor? They have clean forgotten all about their boyhood. Having lived long in comfort in Calcutta they could not remember those poor teachers who live in thatched houses in villages. Can we not hope that they should get something?

The Hon'ble Mr. NALINI RANJAN SARKER: Those who wear dirty cloths will do all these. I wear clean-bleached clothes. I must not certainly do anything as you have already said.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Now I shall make my submisisons to you about the Co-operative Societies.

From the very beginning of my career I have been connected with the Co-operative Societies. I had thought that the condition of the agriculturists connected with the co-operative system could be improved. But quite the reverse has been the result. The very mention of "co-operative" now strikes terror in the hearts of the people. Previously one Registrar could do the work of the whole of Bengal. Now one Registrar for every district will render no benefit to the poor. It will simply be maintaining a number of persons.

Next thing. Tax has been imposed on dog-race. But if you levied tax on horse-race, then the income would have been much higher. But you could not muster courage to do that, because, we walk in fear and cast our eyes in fear and fall prostrate on the ground as soon as we see a white man. This Gouranga (white man) however is not that beloved child of Sachi of Nadia, but those white lords of ours who have come here crossing the seven seas and thirteen rivers.

I shall say another word to you—about the Road Board. What work is being done for the construction of roads cannot be understood. I large sum of money is given to the Government of Bengal. But

what we see is that the money is not spent but is returned. The sum of Rs. 18,000 only was spent in North Bengal (while the amount received was) forty lakhs of rupees. I wrote a letter to the Hon'ble Minister in charge of this department for the construction of a bridge over the river Karatoa in Bogra district, but he gave me a vague reply. He wrote to me that an estimate would be made. Nearly a year has elapsed since then, but no estimate has yet been made. Every word of what the Ministers say should carry some weight. But it is regrettable that we see nothing like that in the case of our Ministers.

My last word is about "Azad". Rs. 30,000 has been given to "Azad". I shall now speak to you as to whether this grant has been good or bad and whether this will benefit or harm us. It is known to everybody that "Azad" subscribes to the creed of the League and is the only important Muslim paper in Bengal. If this paper is in the pay of the Ministers will anybody believe it? The word "Azad" means "freed". I cannot understand whether this amount is being paid to it—to free or chain it—whether the money has freed the paper or bound it in slavery. One must deeply ponder over the matter—whether, henceforth this paper will benefit or harm the nation. Had the Finance Minister really good intention he would not certainly have rendered this aid to "Azad". Those who have been grieved at this favour shown to "Azad" should rather rejoice that the Finance Minister, with this thirty thousand, has planned to smash into pieces "Azad" and for the matter of that—the League. If Akram Khan were an intelligent man he would not accept this thirty thousand rupees. But then Akram Khan can do one clever thing. If he takes this sum and after taking it, cuts off connection with "Azad" and if some other person conducts the paper it may very well do. Nobody will put any credence in what "Azad" now may say—whether for or against the Ministers;—for none can believe what a subsidised journal says. So by giving this thirty thousand the Ministry will derive absolutely no benefit from "Azad" in return.

V.—General discussion on the Budget

(Speech delivered on 28th February, 1939, see page 385.)

Maulana MUHAMMAD AKRAM KHAN: Mr. President, unfortunately, I was unable to attend the previous meetings of the Budget Session. At this fag end of the Budget discussion and within the short space of time, I am afraid, I shall not be able to finish to-day all that I have to say. At the very outset I beg to submit that this speech of mine will to some extent have a personal touch. During

the current Budget discussion this city has been stirred, throughout its length and breadth, over the advent of something unprecedented, the sky is being rent to pieces, the earth is trembling and all this because the Government has provided for a grant of Rs. 30,000 to "Azad" of which I am the proprietor. As the proprietor of "Azad", I declare here with an open voice that there has been no pact yet between the Government and "Azad" in respect of this grant. "Azad" has not made the slightest representation to Government for money as yet. Acceptance of money by "Azad" will entirely depend on the nature of conditions that the Government may attach to its grant. "Azad" will never accept this grant if there is any possibility of Government influencing through its grant the conscience of the editor of "Azad".

I now propose to address a few words to my hon'ble friends who have come here on the Congress ticket and discussed about this grant. In the first place, let them go into their own records before criticising others. To-day, we hear of Congress Governments having been installed in every province with the exception of Bengal and the Punjab. If the Congress members here would kindly enquire from the Hon'ble Ministers who are a pride to those Congress provinces as to how much they grant every year for subsidising newspapers as well as for carrying on propaganda on their behalf, perhaps, the trenchant character of their speeches will be toned down. (FROM THE CONGRESS SIDE: "The Bengal Government have got their own papers".) It is for the Government to reply to this. The gist, therefore, of the argument advanced by the Congress party is that there is nothing wrong in Government granting a subsidy to other papers when they have no organ of their own. Whereas, they declare it from the Congress side that no subsidy is granted to newspapers. What I want to say with regard to this is that the difference between the granting of subsidies to newspapers by the Congress Governments, and the Government here is that while the former does it secretly, the latter does it openly. (FROM THE CONGRESS SIDE: "No Government gives out the secret about the grants it makes.")

In conclusion, I want to draw the attention of the hon'ble members to another point. The Government of Bengal had their Publicity Department in the years preceding the year 1939 and the huge funds at the disposal of that Department had been spent on publicity work. It is the Hindus who have so long looted and enjoyed those funds. Now that provision has been made for granting some money to a Moslem paper, a hue and cry has been raised throughout the country. There is no other motive behind all this protestation. If it is disclosed how much has been paid secretly to which paper and in what manner, the voice of protest will be mellowed down. Thus, it will be brought home to my hon'ble friends that one should be mindful of one's own shortcomings before finding fault with others.

VI.—The Bengal Tenancy (Second Amendment) Bill, 1938.

(Speech delivered on 28th February, 1939, see page 401.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, I cannot support this resolution of the Maharaja. For, it is a very insignificant matter. I am at a loss to know what cause there may be for referring to a Select Committee the matter as to whether the rate of compensation which has been fixed at Rs. 12-8 by the Lower House should be retained or altered. This constitutes a single point and may therefore be easily settled by the whole House. Hence, for a petty matter like this I do not consider it reasonable to have recourse to a lengthy procedure like that. Next, as for the personnel of the Select Committee as suggested by the Maharaja Bahadur, it has six representatives from the Progressive party, but I doubt if he has more than six or seven members in his party. Notwithstanding a large number of members forming the Coalition party, he suggested the names of only four of them. The strength of the Congress group is not less than 6 to 7, but he gave the names of only two from that group. While from the European group of which not more than 3 to 4 members attend, he has taken two. Only one member of the Scheduled Caste is on the list. We do not feel the necessity of a Select Committee like this.

VII.—The Bengal Tenancy (Second Amendment) Bill, 1938.

(Speech delivered on 6th March, 1939, see page 434.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, my proposal is that those who will default in respect of one year's rent shall have to pay a compensation of Rs. 3-2, those who will be defaulters for two years, Rs. 6-4, those for three years, Rs. 9-6 and those for four years on end, Rs. 12-8. In calculating thus, stress has been laid on the period of time. That is to say, the amount to be paid depends on the length of time. The original resolution however provides for a decree at the uniform rate of Rs. 12-8, no matter whether the arrear is for 1 year or 2, 3 or 4 years. It lays no stress on the period of time. Secondly, I should like to point out that if some such method of calculation is there, it will be an incentive to paying rents. Discussions were also held in the Select Committee that there should be provision for the easy realization of rents. Many will pay rents regularly through the fear of being liable to damages. Next, my third point is that if we fix the same rate of damages for a period ranging from one to four years, another defect will creep in. In rent suits like these we have

to depend entirely on the Munsiffs. The Munsiffs have not to face any competition, they are recruited through nomination. But who are the people that get these nominations? All big people's——

Mr. PRESIDENT: Order, order.

Khan Bahadur Maulvi MOHAMMAD IBRAHAM: All right, I am leaving that question aside. My point is that if the rate of damages for one year's arrear is the same as that for three years'.....(not audible). I think the three points that I have dwelt upon will go to support my resolution, and I hope the Hon'ble Revenue Minister will accept it. My request to the House is that my resolution may be accepted by all.

VIII.—The Bengal Tenancy (Second Amendment) Bill, 1938.

(*Speech delivered on 6th March, 1939, see page 443.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, I shall have to speak a few words in opposition to the Maharaja Bahadur's resolution. According to his resolution, those who will not pay rents shall have to pay interests as well as penalty. A point dealt with by him is that those who will intentionally withhold payment shall have to pay in the said manner. In regard to this I should like to say that 80 per cent. of the tenants in Bengal are in want. If these men in want are saddled with two kinds of provision, that is to say, those who will not pay rents shall have to pay both interests and penalty, no provision is harder than this. Moreover, it is very difficult to determine who are paying willingly and who are withholding payment intentionally. For this defect, too, the resolution cannot stand. Besides, there is in the resolution no trace also of that great virtue of kindness and generosity which is found in the Rajas and Maharajas. This is why I am of opinion that this resolution had better be withdrawn. I appeal to the House not to support this resolution.

IX.—General discussion on the Supplementary Financial Statement.

(*Speech delivered on 8th March, 1939, see page 514.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, the Budget is too small to necessitate a long speech on it. Rather, the speech should be considerably shortened to match the size of the

Budget. I am speaking only on the demand No. 33 at page 13. Here I find provisions for the Special officer. This appointment of Special officers appears to have come to be a matter of daily occurrence——

Mr. PRESIDENT: Order, order. Khan Bahadur please try first to understand what the matter is. This is a Budget supplementary to the one introduced last year. If the expenses are not covered by the provisions in the Annual Budget, a supplementary Budget is presented. In case you have any objection here to make as to why the provision is being made, only then you may speak.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Be that as it may, what I can say, without the least doubt, about this Budget is that no matter what this Budget may pretend to be, it is printed on very fine paper. It is absolutely immaterial what the contents are! (Laughter.)

X.—The Calcutta and Suburban Police (Amendment) Bill, 1939.

(Speech delivered on 14th March, 1939, see page 663.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, my point is that when meetings of every description come within the meaning of public meetings under the legislation that is going to be enacted, marriage parties or women's gatherings also will be no exceptions. No provision has been made to ensure the attendance of a higher officer even at a marriage function in which a large number of ladies are participating, the presence of a mere head constable has been considered to be enough for the purpose. It is the head constables who are authorised to attend these functions and report against the ladies. There is some such thing as "Khutba" (Sermon) forming a part of the "Jumma Namaz" of the Moslems. If any words, new or political, are uttered in course of the "Khutba" and if an head constable who is present there elects to report, he can certainly do it abusing this right. Hence, what more objectionable thing can there be than the right of access to any and every meeting which has been given in this Bill to police officers of lower ranks? Such is the notion entertained about the police in general that even an Inspector-General of Police once remarked: "If the Bengal Police are after me, I shall have to leave this shore for England". It is therefore needless to expatiate on the point further to show what stuff the police are. Such being the police force, it is all the more objectionable to delegate powers to those who occupy lower ranks in it. Hence, I consider it meet and proper to accept the motion for amendment.

XI.—The Calcutta and Suburban Police (Amendment) Bill, 1939.

(*Speech delivered on 14th March, 1939, see page 666.*)

The Hon'ble Mr. H. S. SUHRAWARDY: Perhaps, the Khan Bahadur could not follow it. It is the Commissioner of Police on whom powers have been conferred by it and not on a constable under him.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: It is a matter of common knowledge how respectable an individual the head constable is.

The Hon'ble Mr. H. S. SUHRAWARDY: This is why I ask you to kindly read it a little and then criticise. It is not the head constable who has been empowered. It is the Commissioner of Police himself. A head constable has not the authority to attend at any and every place at his own sweet will. The Khan Bahadur has said that in view of the condition prevailing in the country and in view of the oppression made by the police, they do not like to give any power to the police. But I tell him that no power is going to be conferred on the head constable. Here, power is going to be delegated to the highest and the most responsible of the officers.

ADDENDA AND CORRIGENDA.

1. In 15th line at page 275 of the Bengal Legislative Council Debates in Volume I, No. 8 of 1939, after the words, "go to Delhi for the purpose", read "and did the Hon'ble Finance Minister, Mr. Sarker, casting his usual equanimity to the winds also rush after him?"

2. In line 16 at page 560 of Volume I, No. 16, in place of the words "Ratanlal's Law of Crimes", read "Wharton's Law Lexicon".

3. At the bottom of page 644 of Volume I, No. 18, on top of the Calcutta and Suburban Police (Amendment) Bill, 1939, instead of the words "Government Resolution", read "Government Bill".

B. G. Press—1939-40—124A—750.

Index to the

Bengal Legislative Council Debates.

(Official Report.)

First Session 1939.

Abdul Hamid Chowdhury, Khan Sahib—

Discussion of the Budget by—. Pages 275-283, 289-292.

Point of information raised by—as to whether any circular letter was issued inviting amendments to the Bengal Maternity Benefit Bill, 1938. Pages 536.

Speech by—on the resolution of Mr. Ranajit Pal Choudhury regarding levy of pilgrim tax on railway tickets sold for Navadwip and Navadwip-Ghat. Page 109.

Speech by—on a resolution to re-employ in Government offices clerks, etc., discharged from the Settlement Department. Pages 62-63.

Speech by—on the motion to refer the Bengal Tenancy (Second Amendment) Bill, 1938 to a select committee. Page 401.

Supplementary question to question regarding comments on the White Paper on Retrenchment. Page 121.

Question by—regarding accommodation in private colleges for a hall for College Unions. Page 141.

Question by—regarding publication of Cause Lists. Page 37.

Question by—regarding appointment of Mr. Romaprasad Mookerjee as Assistant Government Pleader. Pages 37-38.

Question by—regarding rules of daily practice in the High Court and Subordinate Courts. Pages 36-37.

Abdul Hamid Chowdhury, Khan Sahib— *concld.*

Question by—regarding proscription of "Pather Dabi." Page 505.

Question by—regarding an Assembly Hall in the Presidency College. Pages 503-504.

Question by—regarding accommodation for the Students' Union, etc., of the Presidency College. Page 527.

Abdur Rashid, Khan Bahadur Kazi—

Question by—regarding introduction of graded salary for the staff of Jagannath Intermediate College. Pages 671-672.

Question by—regarding encouragement of cottage industries. Page 531.

Abdul Karim, Khan Bahadur M.—

Objection lodged by—to the moving of the adjournment motion by Dr. Radha Kumud Mookerji regarding Mahatma Gandhi's fast by way of protesting against the conduct of the authorities of the Rajkot State. Page 408.

Presentation of the Fourth Report of the Privilege Committee by—. Page 533.

Speech by—on the Condolence Resolution regarding the death of Lord Brabourne. Pages 330-331.

Accommodation for Muslim students—

Question regarding—of the Dacca University. Pages 47-48.

Gratis

Accommodation for College Unions in private colleges—

Question regarding—by Khan Sahib Abdul Hamid Chowdhury. Pages 141-142.

Accommodation for the Students' Union, etc., of the Presidency College—

Question by Khan Sahib Abdul Hamid Chowdhury regarding—. Page 527.

Address—

Motion regarding an—to be presented to His Excellency the Governor of Bengal that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government. Pages 166-169.

Motion regarding an—to be presented to His Excellency the Governor of Bengal for fixation of a definite quota for the recruitment of Bengalees in all branches of the Civil and Defence Services under the control of the Central Government. Pages 149-157.

Motion regarding an—to be presented to His Excellency the Governor of Bengal for taking early steps to impose import duties on rice and paddy imported from foreign countries. Page 157.

Adjournment Motion—

Notice of—given by Rai Keshab Chandra Banerjee Bahadur regarding communal riots in Feni in Noakhali district. Pages 132-136.

Notice of—given by Mr. Humayun Kabir regarding rioting and hooliganism which took place at a public meeting held in the Town Hall, Calcutta, on the 27th February, resulting in serious injuries to and arrest of a large number of persons. Pages 367-370.

Adjournment Motion—*concld.*

Notice of—given by Mr. Lalit Chandra Das regarding a letter written by the Hon'ble Chief Minister to Chowdhury Shamsuddin Ahmed in which the Chief Minister charged most of the Hindu officers of Government with disloyalty. Pages 430-431.

Notice of—given by Khan Bahadur S. Fazal Elahi, expressing the sympathy of the House with the Palestine Arabs in their fight for the protection of their self-respect *vis-a-vis* the Mandatory Power. Page 123.

Notice of—by Mr. Lalit Chandra Das to consider the situation arising out of the action taken by the Government for realization of arrears of rents of their canal dues from the tenants of the Damodar Canal area in the district of Burdwan. Pages 177-180.

Adult education—

Question regarding steps taken to encourage—. Page 206.

Advertisements in the newspapers by Government—

Question by Mr. Humayun Kabir regarding principles which regulate—. Page 459.

Agriculturists—

Question regarding loans to—. Pages 40-41.

Akram Khan, Maulana Muhammad—

Discussion of the Budget by—. Pages 385-386.

All-Bengal Registration Employees' Association—

Question by Mr. Shrish Chandra Chakravorti regarding—. Pages 501-502.

Question by Mr. Krishna Chandra Roy Chowdhury regarding—. Page 529.

Allotment of a day for the discussion of a motion under section 118 of the Rules and Standing Orders—

Question regarding—by Mr. Lalit Chandra Das. Page 619.

Allowance—

Question regarding—to Jurors. Pages 171-174.

Allowances to ex-detenus—

Question regarding—by Mr. Kamini Kumar Dutta. Pages 142-144.

Amendments—

Notice of—given to certain non-official Bills. Pages 56-58.

Anti-malaria works—

Question regarding—by Mr. H. P. Poddar. Pages 635-636.

Appointments—

Question regarding—made in the temporary posts of Secretary, Deputy Secretary and others in the Secretariat. Pages 23-24.

Question regarding—of the members of the Public Service Commission by Mr. Lalit Chandra Das. Pages 460-461.

Question regarding—in the Bengal Subordinate Educational Service by Khan Bahadur Kazi Abdur Rashid. Page 573.

Question regarding—of Mr. Roma Prasad Mookerjee as Assistant Government Pleader. Pages 37-39.

Question regarding—of clerks from outsiders in the office of the Registrar of Assurances. Pages 12-13.

Question regarding—of Munsiffs since 1935. Pages 39-40.

Aracan Road Development Scheme—

Question by Mr. Nur Ahmed regarding —. Page 73.

Asaf Khan, Muhammad, Khan Bahadur—

Resolution moved by—regarding the re-employment in Government offices of the employees under the Settlement Department who were recently discharged, etc. Pages 58-60.

—begs leave to withdraw his resolution regarding employment by Government of discharged Settlement employees. Page 101.

Assent—

Governor's—to Bills passed by both Chambers of the Legislature—

Bengal Official Receiver's Bill, 1938. Page 55.

Bengal Repealing and Amending Bill, 1938. Page 56.

Assistant Government Pleader—

Question regarding appointment of Mr. Roma Prasad Mookerjee as—. Pages 37-39.

Ataur Rahaman, Khan Bahadur—

Point of information raised by—as to whether the members will have to give notices of those questions which will remain unanswered or they will be answered in due course. Page 582.

Speech by—on the Bengal Tanks Improvement Bill, 1938. Pages 468, 472, 475 and 482.

Speech by—on the Resolution to re-employ in Government offices clerks, etc., discharged from the Settlement Department. Pages 66-67.

Speech by—regarding Bengal Tanks Improvement Bill, 1938. Pages 452-453 and 455.

Speech by—on Maharaja of Santosh's amendment to clause 2 of the Bengal Tenancy Second (Amendment) Bill, 1938. Pages 444-445.

Ataur Rahaman, Khan Bahadur—*concld.*

Supplementary question by—to question regarding infant and maternal mortality in Bengal. Page 579.

Supplementary question by—to question regarding anti-malarial works. Pages 637 and 638.

Supplementary question by—regarding Dacca Medical School Enquiry Committee Report. Page 176.

Question by—regarding payment of Government revenue. Page 28.

Question by—regarding Irrigation policy. Page 672.

Question by—regarding office room of the Collector of Calcutta. Page 462.

Question by—regarding appointment in the Bengal Subordinate Educational Service. Page 573.

Question by—regarding malaria epidemic in Bengal. Pages 641 and 642.

Audit Report—

Question regarding—on the Bogra Municipality for 1936-37. Pages 42-44.

Automatic weaving machines—

Question regarding Japanese—. Pages 171-172.

Banerjee, Rai Keshab Chandra, Bahadur—

Discussion of the Budget by—. Pages 361-363, 371-373.

Explanation given by—in justification of his adjournment motion regarding communal riots in Feni in the district of Noakhali. Pages 132-136.

Banerjee, Rai Keshab Chandra, Bahadur—*contd.*

Motion moved by—regarding the presentation of an address to His Excellency the Governor for moving the Government of India for fixing a definite quota for the recruitment of Bengalees in all branches of the Civil and Defence Services under the control of the Government of India, as well as the reply. Pages 149-151 and 156.

Point of information raised by—as to whether references to the Lower House made in the speeches of members of the Upper House would be in order. Pages 196-197.

Question by—regarding appointment of clerks from outsiders in the office of the Registrar of Assurances. Page 12.

Question by—regarding rules for appointment and promotion of Government servants. Pages 5-6.

Question by—as to whether, in view of the fact that the hon'ble member of the Government was going to speak on the Budget that day which was the last day of the Budget Discussion and was likely to take up some considerable time of the House, Government would be pleased to extend the time for that purpose. Page 334.

Question by—regarding clerks and copyists in the Registration Office. Page 80.

Remarks by—giving his party's consent to the verbal amendment of Mr. Humayun Kabir to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 659.

Speech by—regarding Bengal Dentists Bill, 1938. Pages 485-488.

Speech by—regarding Bengal Tenancy (Second Amendment) Bill, 1938. Pages 402-403, 446 and 447.

Speech by—regarding Bengal Tanks Improvement Bill, 1938. Page 455.

Banerjee, Rai Keshab Chandra Bahadur —*concld.*

Supplementary question by—on question regarding the number of cases disposed of under the Bengal Debtors Act. Page 420.

Supplementary question by—on question regarding Primary Education Cess. Pages 417-418.

Supplementary question by—on question regarding the Ranchi European Mental Hospital. Page 426.

Supplementary question by—on question regarding distribution of bulls. Pages 131-132.

Supplementary question by—on question regarding medical aid to women in the villages. Page 130.

Barua, Dr. Arabinda—

Amendment by—to the motion of Rai Keshab Chandra Banerjee Bahadur regarding the fixation of a quota for the recruitment of Bengalees in all branches of the Civil and Defence Services under the control of the Government of India. Pages 151-152.

Discussion of the Budget by—. Pages 313-317.

Question by—regarding public holiday for Vaisakhi Purnima. Pages 118-119.

Bengal Agricultural Debtors Act—

Question regarding the operations of the—. Pages 208-212.

Question regarding number of cases disposed of under—. Pages 420-421.

Bengal Cruelty to Animals (Amendment) Act—

Question regarding enforcement of—. Pages 127-128.

Bengal Food Adulteration Act, 1919—

Notice of amendment given for circulation of the—. Page 124.

Bengal Jute Ordinance—

Question by Mr. Lalit Chandra Das regarding—. Page 505.

Bengal Juvenile Smoking Act, 1919—

Notice of amendment given for circulation of the—. Page 124.

Bengal Legislative Council—

Questions regarding—by Mr. Ranajit Pal Chowdhury. Pages 576, 577 and 578.

Bengal Subordinate Educational Service, Appointment in the—

Question by Khan Bahadur Ataur Rahman regarding—. Page 573.

Bengal Water-Hyacinth Act, 1936—

Question by Khan Bahadur Saiyed Muazzamuddin Hosain regarding modification of—. Pages 77-79.

Benthall, Sir Edward C.—

Discussion of the Budget by—. Pages 384-385.

Remarks by—on the question of unemployment. Page 98.

Reply of—to Mr. President's question as regards the admissibility or otherwise of Mr. Humayun Kabir's verbal amendment to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 659.

Speech by—opposing the motions to refer the Calcutta and Suburban Police (Amendment) Bill to Select Committee. Pages 599-601.

Speech by—on the Bengal Shop Prices Regulation Bill, 1938. Page 244.

Speech by—on the Resolution of Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Pages 96-97.

Benthall, Sir Edward C.—*concld.*

Speech by—on the Condolence Resolution regarding the death of Lord Brabourne. Page 331.

Bill(s)—

Bengal Dentists Bill, 1938—

Consideration and passing of—. Pages 485-498.

Bengal Maternity Benefit Bill, 1938—

—moved by the Hon'ble Mr. H. S. Suhrawardy for taking into consideration. Page 536.

Bengal Official Receiver's Bill, 1938—

Assent given into—by His Excellency the Governor. Page 55.

Bengal Rates of Interest Bill, 1938—

Consideration and passing of—. Pages 450-451.

Bengal Relief to Poor and Unemployed Bill, 1937—

Presentation of the Report of the Select Committee on—. Page 139.

Consideration and passing of—. Pages 224-241.

Bengal Repealing and Amending Bill, 1938—

Consideration and passing of—. Pages 138 and 139.

Bengal Shop Prices Regulations Bill, 1938—

Circulated for opinion. Pages 241-244.

Bengal Tanks Improvement Bill, 1938—

Consideration and passing of—. Pages 451-456 and 467-485.

Bengal Tenancy (Second Amendment) Bill, 1938—

Consideration and passing of—. Pages 124, 398-405 and 433-449.

Calcutta and Suburban Police (Amendment) Bill, 1939—

Consideration and passing of—. Pages 370, 545-567 and 673-678.

Bill(s)—*concld.*

The Indian Bar Council (Amendment) Bill, 1937—

Circulated for opinion. Pages 245-246.

Bogra district—

Question regarding flood in the—. Pages 31-32.

Bogra Municipality—

Question regarding audit report on the —for 1936-37. Pages 42-44.

Border Regiment (2nd Battalion)—

Question regarding assault on Sergeant-Major W. J. Berrangan of the—in the Darjeeling Mail. Pages 201-202.

Boro and rabi crops—

Question regarding—by Khan Bahadur Saiyed Muazzamuddin Hosain. Pages 145-146.

Bose, Mr. Giris Chandra—

Obituary reference to—. Page 2.

Bose, Rai Bahadur Manmatha Nath—

Question by—regarding low platforms at stations (Haur to Bankura) on the Bengal-Nagpur Railway. Page 34.

Speech by—regarding amendments to Bengal Tanks Improvement Bill, 1938. Pages 467, 472, 475, 476, 478 and 483.

Speech by—on the Budget for 1939-40. Pages 267-270.

Supplementary question by—on question regarding posting of an Assistant Surgeon in the King Edward Hospital, Midnapore. Page 411.

Budget Estimate (for 1939-40)—

Presentation of—by the Hon'ble the Finance Minister. Pages 186-196.

Discussion of—. Pages 253-283, 289-320, 334-364 and 371-397.

Bulls—

Question regarding distribution of—. Pages 131-132.

Burrow-pits in the district of Murshidabad—

Question by Rai Bahadur Surendra Narayan Sinha regarding—. Pages 90-91.

Calcutta and Suburban Police (Amendment) Bill, 1939—

—moved by the Hon'ble Khwaja Sir Nazimuddin for introduction and consideration. Page 545.

Cause Lists—

Question regarding publication of—. Pages 37 and 127.

Chakraverti, Mr. Shrish Chandra—

—moves an amendment to Mr. Lalit Chandra Das's amendment to the Calcutta and Suburban Police (Amendment) Bill, 1939, that in place of the words "31st December, 1939," the words "31st May, 1939," be substituted. Page 557.

Question by—regarding the grievances of the employees of the Registration Department. Page 575.

Question by—regarding daily copying work of moharrirs. Pages 411-412.

Question by—regarding allegations against the Registry Office, Calcutta. Page 421.

Question by—regarding All-Bengal Registration Employees' Association. Pages 501-502.

Chakraverti, Mr. Shrish Chandra—*concld.*

Question by—regarding office of the Inspector-General of Registration. Page 413.

Discussion of the Budget by—. Pages 356-359.

Question by—regarding the creation of one post of Inspecting Officer in the Registration Department. Page 249.

Speech by—in support of the proposal to refer the Calcutta and Suburban Police (Amendment) Bill to a Select Committee. Pages 601, 602-604, 605 and 606.

Question by—regarding the copyists of the Calcutta Registry Office. Page 570.

Chaukidari Enquiry Committee—

Question regarding—. Page 127.

Chittagong College. Laboratories of the, extension of—

Question regarding—by Mr. Nur Ahmed. Page 574.

Chittagong College and Khastgir Girls' High English School, Chittagong—

Question regarding—. Pages 3-4.

Chowdhury, Mr. Ranajit Pal—

Supplementary question by—on question regarding boro and rabi crops. Page 146.

Civil Courts—

Question regarding suits and cases in the—. Pages 174-175.

Question regarding congested judicial work in Diamond Harbour—. Page 36.

Clerks in the office of Registrar of Assurances—

Question regarding appointment of—from outsiders. Pages 12-13.

Clerks and copyists—

Question regarding—in the Registration Office. Pages 8-9.

Cohen, Mr. D. J.—

Point of order raised by—regarding the irrelevancy of Mr. Shrish Chandra Chakraverti in referring to the powers already possessed by the Commissioner of Police while the House is concerned with the question whether a particular motion should be passed or not. Page 603.

Speech by—in opposing the motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee. Pages 607-608.

College, Jagannath Intermediate—

Question regarding—by Khan Bahadur Abdur Rashid. Page 671.

Committee of Economic Enquiry—

Question regarding—by Rai Bahadur Surendra Narayan Sinha. Pages 622 and 624.

Committee on Petitions—

Nominations made to the—by Mr. President. Page 54.

Committee of Privileges—

Third Report of the—presented by Mr. Deputy President. Page 55.

Condolence Resolution—

Regarding the death of Lord Brabourne. Pages 325-334.

Contribution to the Indian Mental Hospital, Ranchi—

Question regarding—by the Government of Bengal. Pages 212-213.

Copyists of the Calcutta Registry Office—

Question by Mr. Shrish Chandra Chakraverti regarding—. Page 570.

Cottage Industries. Encouragement of—

Question by Khan Bahadur Kazi Abdur Rashid regarding—. Page 531.

Council Rules and Standing Orders—

Amendment of section 57. Pages 181-186.

Cultivation of small holdings—

Question regarding—. Page 288.

Dacca Medical School Enquiry—

Question regarding Report of the—Committee. Pages 175-177.

Dacca University—

Question regarding accommodation for Muslim students of—. Pages 47-48.

Das, Mr. Lalit Chandra—

Complaint of—regarding his unanswered short-notice question about some incidents in Noakhali. Page 581.

Explanation given by—in regard to his adjournment motion regarding drastic action taken by Government over the realization of arrears of rents and canal dues from the tenants of the Damodar Canal area. Pages 178-180.

Motion moved by—regarding the presentation of an address to His Excellency the Governor that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government. Pages 166-168.

Notice of adjournment motion given by—regarding a letter written by the Hon'ble Chief Minister to Chowdhury Shamsuddin in which he charged most of the Hindu officers of Government with disloyalty. Pages 430-431.

Point of information raised by—regarding Fourth Report of the Privilege Committee. Page 533.

Das, Mr. Lalit Chandra—*contd.*

Point of information raised by—regarding amendment of section 57 of the Council Rules and Standing Orders. Page 181.

Point of order raised by—regarding insufficiency of time for studying the amendments to the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 545 and 546.

Question by—regarding appointment of the members of the Public Service Commission. Pages 460-462.

Question by—regarding expulsion of Rajshahi College students. Page 199.

Question by—regarding political convict, Babu Ambica Charan Chakraverti. Page 49.

Question by—regarding death of ex-detenu Babu Amulya Kumar Majumdar. Page 48.

Question by—regarding food scarcity in the Goalundo subdivision. Pages 21-22.

Question by—regarding operation of the Primary Education Act in Mymensingh. Pages 9-10.

Question by—regarding Primary Education tax. Pages 7-8.

Question by—regarding externment order of Babu Joges Chandra Chatterjea. Pages 82 and 83.

Question by—regarding Road Development. Pages 71-72.

Question by—regarding allotment of a day for the discussion of a motion. Page 619.

Question by—regarding Primary Education Cess. Page 416.

Question by—regarding Dacca Medical School Enquiry Committee's Report. Pages 175-176.

Question by—regarding the Bengal Cruelty to Animals (Amendment) Act. Pages 127, 128 and 129.

Question by—regarding expenditure on the Hill Exodus during last summer. Page 117.

Das, Mr. Lalit Chandra—*contd.*

Question by—regarding political prisoners' prosecution for refusing to give thumb impressions. Page 202.

Question by—regarding success or failure of Prohibition started in the Noakhali district. Page 410.

Question by—regarding prosecution of Srijut Birendra Nath Sil. Pages 423-424.

Resolution moved by—regarding Mr. Gandhi's fast over Rajkot affairs. Pages 464 and 465.

Speech by—moving that the Calcutta and Suburban Police (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939. Pages 549-552.

Speech by—on the Budget. Pages 270-275.

Speech by—on the discussion on the Supplementary Estimate. Pages 511-512.

Speech by—opposing the Third Reading of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 676-678.

Speech by—on the motion of Maharaja of Santosh for referring to a Select Committee Bengal Tenancy (Second Amendment) Bill, 1938. Page 401.

Speech by—in moving his amendment to clause 1, sub-clause 2 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 648 and 649.

Speech by—opposing the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill. Pages 657 and 658.

Speech by—on the Bengal Dentists Bill, 1938. Pages 488 and 490.

Speech by—moving his motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee. Pages 584-587.

Das, Mr. Lalit Chandra—*concld.*

Suggestions by—regarding sitting of the Council during Budget discussions in the Lower House. Page 533.

Supplementary question by—on question regarding public holiday for Vaisakhi Purnima. Pages 120-121.

Supplementary question by—on question regarding adult education. Page 206.

Datta, Mr. Bankim Chandra—

Speech by—on the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 562-563.

Speech by—on the discussion on the Supplementary Estimate. Pages 509 and 510.

Speech by—supporting the motion for referring the Calcutta and Suburban Police (Amendment) Bill, 1939, to a Select Committee. Pages 606 and 607.

Datta, Mr. Narendra Chandra—

Question by—regarding political prisoner Babu Prasanta Kumar Sen. Page 17.

Question by—regarding political prisoner Babu Pravat Chandra Chakravarti. Page 18.

Question by—regarding sugar industry in Bengal. Pages 32-33.

Debhatta Municipality—

Question regarding scheme for the improvement of tube-wells within the —. Pages 215-216.

Debt Settlement Boards—

Questions regarding—by Khan Bahadur Saiyed Muazzamuddin Hosain. Pages 632, 633, 634 and 635.

Question regarding hardship caused by the operation of the—. Page 35.

Deforestation of Rampur-Ringhbhaw reserve—

Question by Mr. Nur Ahmed regarding—. Page 76.

D'Rozario, Mrs. K.—

Discussion of the Budget by—. Pages 376-377.

Speech by—on the Condolence resolution regarding the death of the Rt. Hon'ble Lord Brabourne. Page 333.

Development—

Question regarding—of various industries in the province. Page 53.

Dholai Khal—

Question regarding re-excavation of the —by Khan Bahadur Kazi Abdur Rashid. Page 463.

Dhurang Khal. Re-excavation of the—

Question by Mr. Nur Ahmed regarding—. Pages 88 and 89.

Diamond Harbour—

Question regarding congestion of judicial work in the Civil Courts. Page 36.

Distribution of bulls—

Question regarding—. Pages 131 and 132.

District Sub-Registrar's Office. Transfer of employees under the—

Question by Mr. Krishna Chandra Roy Chowdhury regarding—. Page 524.

Dutta, Mr. Kamini Kumar—

Amendment moved by—to the motion of Rai Keshab Chandra Banerjee Bahadur regarding the fixation of a quota for the recruitment of Bengalees in all branches of the Civil and Defence Services under the control of the Government of India. Pages 152 and 153.

Dutta, Mr. Kamini Kumar—*contd.*

Discussion of the Budget by—. Pages 292-297.

Point of order raised by—as to whether the motion regarding the imposition of import duties on rice and paddy was in order in view of the India and Burma Trade Regulation Order of 1937. Page 158.

Question by—regarding illiteracy among the adult population. Page 504.

Question by—regarding imposition of Education cess. Page 251.

Question by—regarding the operation of the Bengal Agricultural Debtors Act. Pages 208-211.

Question by—regarding Primary Education cess. Page 200.

Question by—regarding reinstatement of pension to Babu Uma Charan Choudhury. Page 84.

Question by—regarding list of political prisoners suffering from various ailments. Page 85.

Question by—regarding landless rural population. Pages 84 and 85.

Question by—regarding interim report from the Tenancy Committees. Pages 85 and 86.

Question by—regarding interim report from Paddy and Jute Committees. Pages 80 and 81.

Question by—regarding female political prisoners in Bengal Jails. Pages 50 and 51.

Question by—regarding the National Planning Committee. Pages 86 and 87.

Question by—regarding properties forfeited to His Majesty. Page 24.

Question by—regarding levy of Primary Education Cess in the Tippera district. Page 11.

Question by—regarding Akhaura as an important centre of jute trade. Pages 122-123.

Question by—regarding interim report from the Chaukidari Enquiry Committee. Page 127.

Dutta, Mr. Kamini Kumar—*concld.*

Question by—regarding allowances to ex-detenus. Pages 142-144.

Question by—regarding proscription of "Pather Dabi." Page 505.

Question by—regarding cultivation of small holdings. Page 288.

Question by—regarding committees for the improvement of madrassah and primary education. Pages 408-409.

Question by—regarding salary of the new Ministers. Pages 421 and 422.

Speech by—on the Bengal Relief to the Poor and Unemployed Bill, 1937. Pages 226, 228, 231 and 232.

Speech by—on the Condolence Resolution regarding the death of Lord Brabourne. Pages 328-330.

Economic Enquiry Committee—

Question regarding—by Mr. Humayun Kabir. Pages 622 and 624.

Educating of Hindus and Muslims separately—

Question by Mr. Naresh Nath Mookherjee regarding—. Page 640.

Elahi, Khan Bahadur S. Fazal—

Notice of an adjournment motion given by—expressing the sympathy of the House with the Palestine Arabs in their fight for the protection of their self-respect. Page 123.

Employees under the District Sub-Registrar's Office. Transfer of—

Question by Mr. Krishna Chandra Roy Chowdhury regarding—. Page 524.

Encouragement of cottage industries—

Question by Khan Bahadur Kazi Abdur Rashid regarding—. Page 531.

Epidemic of malaria in Bengal—

Question regarding—by Khan Bahadur Ataur Rahman. Pages 641 and 642.

Erosion—

Question regarding protection of Jiaganj town from—of the river Bhagirathi. Page 252.

European Mental Hospital, Ranchi—

Question regarding contribution of the Government of Bengal to the maintenance of the—. Pages 425 and 426.

Ex-detenu(s)—

Question regarding allowances to—by Mr. Kamini Kumar Dutta. Pages 142-144.

Question regarding death of—Babu Amulya Kumar Majumdar. Page 48.

Expulsion—

Question regarding—of Rajshahi College students. Pages 199-200.

Externment order on Sj. Joges Chandra Chatterjea—

Question by Mr. Lalit Chandra Das regarding—. Pages 82 and 83.

Fazlul Huq, the Hon'ble Mr. A. K.—

Speech by—on the Resolution moved by Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Pages 95 and 96.

Female medical practitioners and nurses—

Question regarding necessity of—belonging to the Muslim Community. Page 289.

Female political prisoners—

Question regarding—in Bengal jails. Pages 50 and 51.

Flood in Bengal—

Question regarding—. Pages 27, 28, 31, 32 and 89.

Foresters and Forest Guards dismissed by Divisional Forest Officer of Chittagong—

Question by Mr. Nur Ahmed regarding—. Page 74.

Forest officers—

Question regarding harassment of people of Teknaf by—. Pages 46 and 47.

General health of the students—

Question by Khan Bahadur Maulvi Muhammad Ibrahim regarding—. Page 528.

Goalundo subdivision—

Question regarding food scarcity in the—. Pages 21 and 22.

Government advertisements—

Question by Mr. Humayun Kabir regarding—in newspapers. Page 459.

Governor of Bengal—

Announcement about the death of His Excellency the Right Hon'ble Lord Brabourne, —. Page 323.

Government servants—

Question regarding rules for the appointment and promotion of—. Pages 5 and 6.

Question regarding reappointment of retired—. Pages 13-15.

Gabiati Railway Station—

Question regarding latrine and urinal at the—on the Eastern Bengal Railway. Pages 33 and 34.

Grant to a Bengali daily—

Short-notice question regarding—of a large sum of money by Government. Pages 426-428.

Habibullah, the Hon'ble Nawab Khwaja Bahadur, of Dacca—

Notice given by—to move a Resolution regarding statistics of employment, offences against and jurisdiction and powers of courts with respect to the said Act of the Federal Legislature. Page 137.

Notice of amendments given by—to certain non-official Bills. Pages 56 and 57.

—moves resolution recommending legislation by Federal Legislature to regulate statistics of employment. Pages 538 and 539.

Statement of policy made by—regarding the departments of which he was in charge. Pages 334-342.

Hall in the Presidency College—

Question by Khan Sahib Abdul Hamid Chowdhury regarding—. Pages 503 and 504.

Hamidul Huq Chowdhury, Mr.—

Amendment regarding date of circulation of the Bengal Shop Prices Regulation Bill, 1938, moved by—. Page 243.

Information sought by—as to whether Rai Keshab Chandra Banerjee Bahadur had made personal enquiries about the truth of the facts disclosed in the petition appearing in a Bengali paper on which he based his adjournment motion regarding communal riots in Feni. Page 135.

Reference to a Select Committee of his Bill, the Indian Bar Council (Amendment) Bill, 1937, moved by —. Pages 245 and 246.

Remarks by—requesting the Leader of the European Group to consider the cases of discharged employees whenever they make appointments. Page 97.

Speech by—on the resolution moved by Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Pages 94 and 95.

Hamidul Huq Chowdhury, Mr.—*concld.*

Speech by—on the Bengal Tanks Improvement Bill, 1938. Pages 473 and 474.

Speech by—on the motion for referring to a Select Committee the Bengal Tenancy (Second Amendment) Bill, 1938. Page 404.

Supplementary question by—on question regarding grant to the European Mental Hospital at Kanke. Pages 214 and 215.

Supplementary question by—on question regarding Paddy and Jute Committees. Pages 81 and 82.

Supplementary question by—regarding appointments made in the temporary posts of Secretary, Deputy Secretary and others. Page 24.

Harassment of people of Teknaf—

Question regarding—by Forest Officers. Pages 47 and 48.

Hatiya and Sandwip Steamer Ghats—

Question regarding absence of proper landing stages and passenger shed at—. Page 35.

High Court and Subordinate Courts—

Question regarding rules of daily practice in the—. Pages 36 and 37.

High schools. Tuition fees in—

Question regarding—by Khan Bahadur Maulvi Muhammad Ibrahim. Page 640.

High English schools and zilla schools in Rajshahi and Bogra—

Question by Khan Bahadur Maulvi Muhammad Ibrahim regarding—. Page 503.

Hill Exodus—

Question regarding cost involved in the—during last summer. Pages 117 and 118.

Holiday (public) for Vaisakhi Purnima—

Question regarding—. Pages 118-121.

Hospital—

Question regarding Presidency General —, Calcutta. Pages 44-46.

Question regarding staff of the Indian Mental—, Ranchi. Page 215.

Question regarding Bengal Government's contribution to the Indian Mental—, Ranchi. Pages 212 and 213.

Question regarding grant to the European Mental—at Kanke. Pages 214 and 215.

Howrah Bridge—

Question by Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, regarding—. Page 91.

Humayun Kabir, Mr.—

Discussion of the Budget by—. Pages 298-306.

Moves for consideration of the Bengal Shop Prices Regulation Bill, 1938. Pages 241 and 242.

Observations by—regarding some of his questions lying unanswered with the Commerce and Labour Department. Page 580.

Point of order raised by—in regard to the ruling given by Mr. President on the amendment of section 57 of the Council Rules and Standing Orders, which gave the Upper House equal power with the Lower House to originate discussion on an Ordinance. Pages 182-184.

Remarks of—in claiming the privilege of giving notice of an amendment on the floor of the House, on the basis of a previous ruling of the President. Page 650.

Speech by—on the amendments to clause 2 of the Bengal Tenancy (Second Amendment) Bill, 1938. Pages 436-437 and 443-444.

Humayun Kabir, Mr.,—*contd.*

Speech by—in connection with his amendment to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 673.

Speech by—opposing the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 652-655.

Speech by—moving his motion for referring the Calcutta and Suburban Police (Amendment) Bill, 1939, to a Select Committee. Pages 587-592.

Speech by—moving that the Calcutta and Suburban Police (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939. Pages 552-557.

Speech by—on the Bengal Tanks Improvement Bill, 1938. Pages 469-470, 473, 478, 479, 480 and 481.

Speech by—on the discussion on the Supplementary Estimate of Expenditure. Pages 510 and 511.

Speech by—on the Bengal Dentists Bill, 1938. Pages 487 and 492.

Speech by—in justification of an adjournment motion of which he had given notice regarding rioting and hooliganism committed in a public meeting in the Calcutta Town Hall, on the 27th February, resulting in severe injuries to, and arrest of, a large number of persons. Pages 367 and 368.

Supplementary question by—on question regarding medical aid to women in the villages. Page 130.

Supplementary question by—on question regarding resolutions discussed in the Council and the Assembly. Page 21.

Supplementary question by—on question regarding flood in Bengal. Page 90.

Humayun Kabir, Mr.—*concld.*

Supplementary question by—on question regarding modifications of the Bengal Water-Hyacinth Act, 1936. Pages 79 and 80.

Supplementary question by—on short-notice question regarding grant of a large subsidy to a local Bengali daily paper Page 427.

Supplementary question by—on question regarding salary of the New Ministers. Pages 422 and 423.

Supplementary question by—to question regarding anti-malarial works, Pages 637, 638 and 639.

Supplementary question by—to question regarding proscription of "Pather Dabi." Page 505.

Supplementary question on question regarding appointment of the members of the Public Service Commission. Page 462.

Supplementary question on question regarding the re-excavation of the Dholai Khal. Page 464.

Supplementary question by—to question regarding infant and maternal mortality in Bengal. Page 579.

Question by—regarding Government advertisements. Page 459.

Question by—regarding the proscribed books of Kazi Nazrul Islam. Page 530.

Question by—regarding the ratio of mortality due to tuberculosis among businessmen. Pages 620, 621 and 622.

Question by—regarding Economic Enquiry Committee. Pages 622 and 624.

Supplementary question by—on question regarding public holiday for Vaisakhi Purnima. Page 120.

Supplementary question on question regarding comments on the White Paper on Retrenchment. Page 122.

Ibrahim, Khan Bahadur Maulvi Mohammad—

Speech by—on the Supplementary Estimate of Expenditure. Page 514.

Speech by—on the amendments to different clauses of the Bengal Tenancy (Second Amendment) Bill, 1938. Pages 434, 435 and 443.

Speech by—on the Bengal Relief to the Poor and Unemployed Bill, 1937. Pages 234-235, 240.

Speech by—on the Resolution regarding imposition of import duty on rice and paddy imported from foreign countries. Page 162.

Speech by—on the Budget. Pages 317-319.

Speech by—on the motion to refer to a Select Committee the Bengal Tenancy Second (Amendment) Bill, 1938. Pages 401 and 402.

Question by—regarding high English schools and zilla schools in Rajshahi and Bogra. Page 503.

Question by—regarding tuition fees in high schools. Page 640.

Question by—regarding provision for tiffin to school students from out of the provincial revenues. Page 574.

Question by—regarding the students of the Rajshahi Collegiate School. Pages 528 and 529.

Question by—regarding allowance to jurors. Page 172.

Question by—regarding audit report on the Bogra Municipality for 1936-37. Pages 42 and 43.

Question by—regarding loans to agriculturists. Page 40.

Question by—regarding latrine and urinal at the Gabtali Railway Station in the Eastern Bengal Railway. Pages 33 and 34.

Question by—regarding flood in the Bogra district. Pages 31 and 32.

Question by—regarding change of text-books in schools. Page 409.

Question by—regarding general health of the students Page 528.

Illiteracy in the adult population—

Question by Mr. Kamini Kumar Dutta regarding—. Page 504.

Request made by—that members who did not know English might be allowed to give notice of their question and resolutions, etc., in Bengali. Page 177.

Request made by—that the proceedings of the Upper House may be conducted in Bengali as almost everybody in the House know the language. Page 177.

Immersion of Hindu idols—

Question regarding licence for the—in Burdwan by Rai Bahadur Satis Chandra Mukherji. Page 144.

Imposition of fees—

Question regarding—for exemption from revenue sales. Pages 30 and 31.

Inauguration of Federation. The probable date of—

Question by Mr. Nur Ahmed regarding—. Page 531.

Infant and maternal mortality in Bengal—

Question regarding—by Mr. Nur Ahmed. Page 578.

Inspectors, Co-operative Department—

Question regarding recruitment of—. Pages 206 and 207.

Inspecting Officer—

Question regarding the creation of one post of—in the Registration Department. Pages 249-251.

Inspector-General of Registration—

Question regarding statement giving the name of each clerk at present working in the office of the —. Pages 413-415.

Intelligence Branch—

Question regarding shadowing of every Congressman by the—of the Criminal Investigation Department. Page 203.

Irrigation policy—

Question regarding—by Khan Bahadur Ataur Rahman. Page 672.

Jagannath Intermediate College—

Questions regarding—by Khan Bahadur Kazi Abdur Rashid. Pages 671 and 672.

Jail administration—

Question regarding—. Pages 18 and 19.

Jiaganj-Azimganj Municipality—

Question regarding grant for road repairs to—. Page 53.

Jiaganj (town)—

Question regarding protection of—from erosion of the river Bhagirathi. Page 252.

Judicial and executive functions—

Question regarding separation of—. Page 49.

Judicial work—

Question regarding congestion of—in the Diamond Harbour Civil Courts. Page 36

Jumna river overflowing—

Question by Mr. Ranajit Pal Choudhury regarding—. Pages 642, 643 and 644.

Jurors—

Question regarding travelling allowance for—. Page 35.

ute Trade

Question regarding Akhaura as an important centre of—. Pages 122 and 123.

ute Ordinance—

Laying of copies of the Bengal—on the Table. Page 124.

Kader Baksh, Mr.—

Discussion of the Budget by—. Pages 375-376.

Point of information raised by—whether the Report of the Rules Committee had been presented. Page 185.

Remark made by—that members of the Coalition Party had as much right as any other member of the House to criticise the Budget since they were not consulted before the Budget was prepared. Page 360.

Speech by—supporting the amendment of Khan Bahadur Saiyed Muazzam-uddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 658.

Speech by—on the Bengal Dentists Bill, 1938. Page 489.

Speech by—on the amendments to various clauses of the Bengal Tenancy Second (Amendment) Bill, 1938. Pages 402, 440 and 441.

Speech by—on the Resolution to re-employ in Government offices clerks, etc., discharged from the Settlement Department. Pages 68 and 69.

Speech by—on the Bengal Relief to the Poor and Unemployed Bill, 1937. Page 235.

Question by—regarding recruitment of Co-operative Inspectors. Pages 206 and 207.

Supplementary question by—regarding frequent change of text-books for schools. Page 570.

Supplementary question by—on question regarding public holiday for Vaisakhi Purnima. Pages 119 and 120.

Kader Baksh, Mr.—*concld.*

Supplementary question by—to question regarding appointment in the Bengal Subordinate Educational Service. Pages 573 and 574.

Supplementary question by—to question regarding infant and maternal mortality in Bengal. Page 579.

Kemal Ataturk—

Obituary reference to Mustafa—. Pages 1 and 2.

Khorshed Alam Chowdhury, Mr.—

Discussion of the Budget by—. Pages 354 and 356.

King Edward Hospital, Midnapore—

Question regarding posting of an Assistant Surgeon in the—for some years past. Page 411.

Kumarkhali Railway Station—

Question regarding necessity for an over bridge at the—. Pages 418 and 419.

Laboratories of the Chittagong College. Extension of—.

Question by Mr. Nur Ahmed regarding —. Page 574.

Land Revenue Commission—

Question regarding the questionnaire issued by the—. Pages 203-205.

Landless rural population—

Question by Mr. Kamini Kumar Dutta regarding—. Pages 84 and 85.

Landing stages and passenger sheds—

Question regarding absence of proper—at Hatiya and Sandwip Steamer Ghats. Page 35.

Leader of the Upper House—

A point of privilege raised by Mr. Humayun Kabir regarding the non-appointment of the—. Page 466.

Licence for the immersion of Hindu idols in Burdwan—

Question regarding—by Rai Bahadur Satis Chandra Mukherji. Page 144.

List of Business—

Complaint regarding late circulation of—. Pages 148 and 149.

Litigation—

Question by Mr. Nur Ahmed regarding reduction of the cost of civil and criminal—. Pages 91 and 92.

Loans—

Question regarding—to agriculturists. Pages 40 and 41.

Lord Brabourne—

Announcement about the death of His Excellency the Rt. Hon'ble—, Governor of Bengal. Page 323.

Lord Brabourne, late Governor of Bengal—

Condolence Resolution at the death of the Rt. Hon'ble—. Pages 325-334.

Maitra, Rai Bahadur Brojendra Mohan—

Discussion of the Budget by—. Pages 382-384.

McFarlane, Mr. J.—

Discussion of the Budget by—. Pages 297 and 298.

Madrassah and Primary Education—

Question regarding committees for the improvement of—. Pages 408 and 409.

Malaria epidemic in Bengal—

Question regarding—by Khan Bahadur Ataur Rahman. Page 641.

Maternal and infant mortality in Bengal—

Question by Mr. Nur Ahmed regarding—. Page 578.

Medical aid—

Question regarding—to women in the villages. Pages 129 and 130.

Meghna Bridge—

Question by Khan Bahadur Saiyed Muazzamuddin Hosain regarding—. Page 532.

Mental Hospital (Indian), Ranchi—

Question regarding preferential treatment of the staff in the—. Page 215.

Question regarding Bengal Government's contribution to the—. Pages 212 and 213.

Question regarding recruitment of Bengalis to services in the—. Pages 213 and 214.

Mental Hospital (European), Kanke—

Question regarding grant to the—. Pages 214 and 215.

Mesbahuddin Ahmed, Mr.—

Speech by—on the Bengal Dentists Bill, 1936. Pages 493, 495 and 496.

Metalled road—

Question regarding construction of a—from Chomda. Pages 419 and 420.

Midnapore—

Question regarding posting of an Assistant Surgeon in the King Edward Hospital, —. Page 411.

Military training—

Question regarding introduction of compulsory—in the higher classes of schools, etc. Pages 412 and 413.

Momin, Begum Hamida—

Speech by—in support of the resolution moved by Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Pages 93 and 94.

Speech by—on the Condolence Resolution regarding the death of Lord Brabourne. Pages 332 and 333.

Mortality ratio due to Tuberculosis among businessmen—

Question regarding—by Mr. Humayun Kabir. Pages 620, 621 and 622.

Mookerjee, Mr. Naresh Nath—

Complaint made by—regarding late circulation of List of Business. Page 148.

Question by—regarding pending answers to questions. Page 146.

Question by—regarding educating of Hindus and Muslims separately. Page 640.

Short-notice question by—regarding proposed grant of a large sum of money to a particular local Bengali daily. Pages 426 and 427.

Speech by—on the discussion on the Supplementary Estimate. Pages 508 and 509.

Speech delivered by—on the Resolution regarding imposition of import duty on rice and paddy imported from foreign countries. Page 164.

Supplementary question by—on question regarding public holiday for Vaisakhi Purnima. Page 120.

Supplementary question by—on question regarding Presidency General Hospital, Calcutta. Page 46.

Mookerji, Dr. Radha Kumud—

Enquiry by—as to whether questions will become time-barred by prorogation. Page 582.

Notice of an adjournment motion given by—drawing attention to the grave situation created by reason of Mahatma Gandhi resorting to the extreme form of protest against the authorities of the Rajkot State. Pages 407 and 408.

Point of information raised by—wanting to know from the Hon'ble Minister what arbitrary abuse by the Congress has come under his notice. Page 566.

Point of order raised by—as to whether the resolution moved by the Hon'ble Mr. Tamizuddin Khan recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products is in accordance with the Government of India Act, 1935. Pages 540, 541, 542 and 543.

Point of personal explanation made by—explaining that the motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee has been moved not to obstruct the activities of Government but with a desire to sit with the Government and deliberate on the provisions. Page 608.

Point of privilege regarding his party raised by—regarding the attitude of the House towards a very modest proposal brought by it which involved showing some consideration to the fast of Mahatma Gandhi over the Rajkot State affairs. Pages 431 and 432.

Point of privilege raised by—to the effect that the privileges conferred on the House by section 84(1) of the Government of India Act to lay down its own business and procedure have been violated, as no action has yet been taken on the Report of the Select Committee which submitted its report to the House more than six months back. Pages 216-222.

Mookerji, Dr. Radha Kumud—*contd.*

Remarks by—regarding Government's attitude on the Resolution of Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Page 98.

Speech by—in support of the amendment of Mr. Humayun Kabir to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 673 and 674.

Speech by—in moving his amendment to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 660-662.

Speech by—in moving his motion referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee. Pages 593-598.

Speech by—in support of resolution of Mr. Ranajit Pal Choudhury regarding levy of pilgrim tax on railway tickets sold for Na adwip and Navadwip Ghat. Pages 108 and 109.

Speech by—on the discussion on the Supplementary Estimate of expenditure. Page 513.

Speech by—supporting the motion for circulation of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 557-560.

Suggestions by—regarding the sitting of the Council for discussion of the Rules during the Session when the Lower House will be discussing Budget Grants. Page 534.

Supplementary point of order raised by —on the point of order of Mr. Lalit Chandra Das regarding amendment of section 57 of the Council Rules and Standing Orders. Pages 183 and 184.

Supplementary question by—on question regarding Paddy and Jute Committees. Page 82.

Supplementary question by—on question regarding resolutions discussed in the Council and the Assembly. Page 21.

Supplementary question by—on question regarding the National Planning Committee. Pages 87 and 88.

Mookerji, Dr. Radha Kumud—*concld.*

Supplementary question by—on question regarding public holiday for Vaisakhi Purnima. Page 120.

Supplementary question by—on question regarding Government of Bengal's contribution to the Indian Mental Hospital, Ranchi. Page 213.

Supplementary question by—on question regarding allowances to ex-detenus. Pages 143 and 144.

—wants information about the probable amount of the net demand under "Interest on revenue refunded." Page 519.

Speech by—on the Budget. Pages 253-262.

Mookerjee, Mr. Ramaprasad—

Question regarding appointment of—as Assistant Government Pleader. Pages 37-39.

Motion under section 118 of Rules and Standing Orders—

That an address be presented to His Excellency the Governor for fixation of a definite quota for the recruitment of Bengalees in all branches of the Civil and Defence Services of the Central Government. Pages 149-157.

Presentation of an address to His Excellency the Governor of Bengal that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government. Pages 166-169.

Presentation of an address to His Excellency the Governor for taking early steps to impose import duties on rice and paddy imported from foreign countries. Pages 157-165.

Muazzamuddin Hosain, Khan Bahadur—

Question by—regarding the Bengal Water-hyacinth Act, 1936. Pages 77-79.

Question by—regarding Japanese automatic weaving machines. Page 171.

Muazzamuddin Hosain, Khan Bahadur—*contd.*:

Question by—regarding suits and cases in the Civil Courts. Page 174.

Question by—regarding boro and rabi crops. Page 145.

Question by—regarding Meghna Bridge. Page 532.

Question by—regarding comments on the White Paper on Retrenchment. Page 121.

Question by—regarding accommodation for Muslim students of the Dacca University. Pages 47 and 48.

Questions by—regarding Debt Settlement Boards. Pages 632, 633, 634 and 635.

Question by—regarding water-supply in the countryside. Page 51.

Speech by—on the Budget. Pages 262-267.

Speech by—on the discussion on clause 14 of the Bengal Tanks Improvement Bill, 1938. Pages 470, 471.

Speech by—on a Resolution to re-employ in Government offices clerks, etc., discharged from the Settlement Department. Pages 63, 64 and 65.

Speech by—on the Resolution regarding imposition of import duty on rice and paddy imported from foreign countries. Pages 161 and 162.

Speech by—in connection with the Bengal Relief to the Poor and Unemployed Bill, 1937. Pages 224, 225, 227, 230, 236, 238-240.

Speech by—on the discussion on the Supplementary Estimate of expenditure. Pages 506-508.

Speech by—in moving his amendment to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 651 and 652.

Speech by—on the amendment to clause 2 of the Bengal Tenancy Second (Amendment) Bill, 1938. Pages 441, 442.

Suggestions by—on the sitting of the Council to discuss the Rules of the House. Page 535.

Muazzamuddin Hosain, Khan Bahadur—*concld.*

Supplementary question by—on question regarding the Bengal Agricultural Debtors Act. Page 421.

Supplementary questions by—to question regarding Irrigation policy. Pages 672 and 673.

Supplementary question by—to question regarding anti-malarial works. Pages 637, 638 and 639.

Supplementary question by—regarding appointments made in the temporary posts of Secretary, Deputy Secretary and others. Pages 23 and 24.

Mukherji, Rai Bahadur Satis Chandra—

Discussion of the budget by—. Pages 311-313.

Question by—regarding licence for the immersion of Hindu idols in Burdwan. Page 111.

Question by—regarding reappointment of retired Government servants. Page 13.

Mullick, the Hon'ble Mr. Mukunda Behary—

Notice of an amendment given by—to a non-official amendment to the Bengal Debtors (Amendment) Bill, 1937. Pages 180 and 181.

Munsifs—

Question regarding appointment of—since 1935. Pages 39 and 40.

Musharruf Hossain, the Hon'ble Nawab Khan Bahadur—

Circulation of the Indian Bar Council (Amendment) Bill, 1937, moved by—Pages 245 and 246.

Moves that the Bengal Repealing and Amending Bill, 1938, be passed Pages 138 and 139.

Murshidabad district—

Question regarding flood in the—. Pages 27 and 28.

Question regarding Education cess in—. Pages 6 and 7.

Muslim students—

Question regarding accommodation for —of the Dacca University. Pages 47 and 48.

Mymensingh—

Question regarding operation of the Primary Education Act in—. Pages 9-11.

National Planning Committee—

Question by Mr. Kamini Kumar Dutta regarding—. Pages 86 and 87.

Nazimuddin, the Hon'ble Khwaja Sir—

Laying of the Bengal Jute Ordinance by—before the House. Page 124.

Notice given by—of a motion to introduce the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 370.

The Calcutta and Suburban Police (Amendment) Bill, 1939, moved by —for introduction and consideration. Page 545.

Notice of an amendment given by—regarding circulation of the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938. Page 137.

Observations by—on the sitting of the Council to discuss the Rules of the House. Pages 533-535.

Participation by—in discussion on a point of order regarding the amendment of section 57 of the Council Rules and Standing Orders (regarding discussion of ordinances). Page 184.

Participation by—in the discussion on the Privilege Motion regarding violation of section 84(1) of the Government of India Act. Pages 220, 221, 223 and 224.

Nazimuddin, the Hon'ble Khwaja Sir— *contd.*

Personal explanation offered by—pointing out that when he challenged the hon'ble members to put up any case of abuse of powers by the Calcutta Police, he was referring only to the abuse of powers under the provisions of the Public Security Act. Page 604.

Remarks by—in declaring that he will not oppose the amendment of Mr. Humayun Kabir to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police Amendment Bill, 1939. Page 674.

Remarks by—on the question of withdrawal of the Resolution of Khan Bahadur Asaf Khan regarding employment by Government of Settlement employees. Page 104.

Remarks made by—in opposition to a point of privilege raised by Dr. Radha Kumud Mookerji regarding his party over the attitude of the House towards a proposal that the House should adjourn in consideration of the fast of Mahatma Gandhi over Rajkot affairs. Pages 431 and 432.

Reply of—meeting the charges regarding questions lying unanswered with the various departments of Government. Pages 580 and 581.

Reply given by—objecting to the adjournment motion tabled by Dr. Radha Kumud Mookerji regarding the fast of Mahatma Gandhi as a protest against the authorities of the Rajkot State. Pages 407 and 408.

Reply by—to the motion for the fixation of a definite quota for the recruitment of Bengalees in all branches of the Civil and Defence Services under the control of the Government of India. Pages 153-155.

Reply by—to a complaint regarding late circulation of List of Business. Page 148.

Nazimuddin, the Hon'ble Khwaja Sir— *concld.*

Reply made by—on the subject of the admissibility of the adjournment motion of Rai Keshab Chandra Banerjee Bahadur regarding communal riots in Feni in the district of Noakhali. Page 136.

Reply by—on the question as to whether the Rules Committee had presented their report—, as also about the time for the discussion of the report. Pages 185 and 186.

Reply given by—objecting to the adjournment motion regarding rioting and hooliganism committed in a public meeting in the Calcutta Town Hall. Pages 368-370.

Speech by—in opposing the motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee. Pages 608, 609, 610, 611 and 612.

Speech by—in moving that the Calcutta and Suburban Police (Amendment) Bill, 1939, as settled in the Council, be passed. Page 675.

Speech by—in opposing the verbal amendment of Mr. Humayun Kabir to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 655, 656 and 657.

Speech by—opposing the amendment of Mr. Lalit Chandra Das to sub-clause 2, clause 1 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 650.

Speech by—on motions for circulating the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 582 and 583.

Speech by—in support of his motion to take into consideration the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 547 and 548.

Speech by—in winding up the debate on the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 563-567.

Statement by—regarding sitting of Council during Budget discussions in the Lower House. Page 535.

Naziruddin Ahmad, Khan Bahadur—

Observations by—on the point of order raised by Dr. Radha Kumud Mookerji as to whether the resolution moved by the Hon'ble Mr. Tamizuddin Khan recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products is in accordance with the Government of India Act, 1935. Page 541.

Speech by—on the Bengal Tenancy (Second Amendment) Bill, 1938. Pages 403, 404, 435, 436 and 440.

Speech by—on the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 560.

Nazrul Islam, Kazi—

Question by Mr. Humayun Kabir regarding proscribed books of—. Page 530.

New channels and outlets of the Ganges and other rivers during recent floods—

Question regarding—. Page 205.

New Ministers—

Question regarding salary of the—. Pages 421-423.

Nur Ahmed, Mr.—

Amendment moved by—to the Bengal Relief to the Poor and Unemployed Bill, 1937. Page 231.

Amendment moved by—to the Resolution of Khan Bahadur Md. Asaf Khan, regarding re-employment of the discharged hands in the Settlement Department in Government offices. Page 61.

Discussion on the budget by—. Pages 306-309.

Motion moved by—regarding the presentation of an address to His Excellency the Governor for taking early steps to impose import duties on rice and paddy imported from foreign countries. Pages 157-160.

Nur Ahmed, Mr.—*contd.*

Question by—regarding adult education. Page 206.

Question by—regarding retrenchment made since April 1937. Page 15.

Question by—regarding imposition of fees for exemption from revenue sales. Pages 30 and 31.

Question by—regarding appointment of Munsiffs since 1935. Page 39.

Question by—regarding harassment of people of Teknaf by Forest officers. Pages 46 and 47.

Question regarding development of various industries on a planned scale in the province. Page 53.

Question by—regarding medical aid to women in the villages. Pages 129 and 130.

Question by—regarding playgrounds and gymnasia in mufassal municipality. Pages 144 and 145.

Question by—regarding the probable date of the inauguration of Federation. Page 531.

Question by—regarding Aracan Road Development Scheme. Page 73.

Question by—regarding Unani and Ayurvedic systems of medicine. Page 76.

Question by—regarding deforestation of Rampur-Ringhbhaw Reserve. Page 76.

Question by—regarding Foresters and Forest Guards dismissed by Divisional Forest Officer of Chittagong. Page 74.

Question by—regarding re-excavation of the Dhurang Khal. Pages 88 and 89.

Question by—regarding recurring floods in Bengal. Page 89.

Question by—regarding Chittagong College and Khastgir Girls' High English School, Chittagong. Pages 3 and 4.

Question by—regarding reduction of the cost of civil and criminal litigation. Pages 91 and 92.

Nur Ahmed, Mr.—*concld.*

Question by—regarding small tilas of Chittagong. Page 424.

Question by—regarding extension of the laboratories of the Chittagong College. Page 574.

Question by—regarding introduction of compulsory military training in the higher classes of schools, etc. Pages 412 and 413.

Question by—regarding infant and maternal mortality in Bengal. Page 578.

Question by—regarding Moslem female medical practitioners and nurses. Page 289.

Speech by—on the Bengal Tanks Improvement Bill, 1938. Pages 451, 452 and 456.

Speech by—opposing the amendment of Dr. Radha Kumud Mookerji to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 663.

Speech by—on the amendments to clause 2 of the Bengal Tenancy Second (Amendment) Bill, 1938. Pages 433, 445 and 446.

Speech by—on the discussion on the Supplementary Estimate of expenditure. Page 514.

Speech by—on the Bengal Tanks Improvement Bill, 1938. Pages 469, 471, 477 and 479.

Speech by—on the Bengal Dentists Bill, 1938. Page 491.

Obituary references—

Mustafa Kemal Ataturk, Dr. Brojendra Nath Seal, Principal Giris Chandra Bose, Maulana Shaukat Ali. Pages 1-3.

Ormond, Mr. E. C.—

Observations by—on the question of withdrawal of motion of Khan Bahadur Asaf Khan regarding employment by Government of Settlement employees. Page 103.

Ormond, Mr. E. C.—*concld.*

Speech by—on the Resolution regarding imposition of import duty on rice and paddy imported from foreign countries. Pages 162-164.

Speech by—on the Bengal Dentists Bill, 1938. Pages 489 and 490.

Over-bridge—

Question regarding necessity for an—at the Kumarkhali Railway Station. Pages 418 and 419.

Overflowing of river Jumna—

Question regarding—by Mr. Ranajit Pal Choudhury. Pages 642, 643 and 644.

Paddy and Jute Committees—

Question by Mr. Kamini Kumar Dutta regarding—. Pages 80 and 81.

Pal Chowdhury, Mr. Ranajit.

Discussion of the budget by—. Pages 309-311.

Point of order raised by—enquiring whether the members can reply to the challenge of the Hon'ble the Home Minister asking the members to point out cases where the Police had committed excesses. Page 605.

Point of order raised by—pointing out that the remark of the Hon'ble the Home Minister in the course of his speech opposing the motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee, that the law was not felt necessary at one time because the evil of obstructing the Police from attending meetings did not exist then, was contrary to what the Hon'ble Minister, himself mentioned in the Statement of Objects and Reasons to the Bill. Page 609.

Question by—regarding Bengal Legislative Council. Pages 576, 577 and 578.

Pal Chowdhury, Mr. Ranajit—*contd.*

Question by—regarding consultation between the Physician and Surgeon to the Governor of Bengal whenever an operation is performed on the Governor. Page 429.

Question by—regarding appointment of a Surgeon to His Excellency the Governor of Bengal. Page 428.

Question by—regarding over-bridge at the Kumarkhali Railway Station. Pages 418 and 419.

Question by—regarding revenue-paying estates in the Presidency Division. Pages 26 and 27.

Question by—regarding overflowing of the river Jumna. Pages 642, 643 and 644.

Question by—regarding tube-wells within the Debhatta Municipality. Pages 215 and 216.

Question by—regarding grant to the European Mental Hospital at Kanke. Page 214.

Question by—regarding recruitment of Bengalis to services in the Indian Mental Hospital, Ranchi. Page 213.

Question by—regarding Government of Bengal's contribution to the Indian Mental Hospital, Ranchi. Pages 212 and 213.

Question by—regarding village of Mauza Etmanpore. Pages 619-620.

Question by—regarding questionnaire issued by the Land Revenue Commission. Pages 203-205.

Question by—regarding metalled road from Chomda. Pages 419 and 420.

Question by—regarding Ranchi European Mental Hospital. Page 425.

Question by—regarding appointment of a Physician to the Governor of Bengal. Page 429.

Question by—regarding Beldanga Radhakishore Sugar Mill. Page 41.

Question by—regarding congested judicial work in the Diamond Harbour Civil Courts. Pages 36.

Pal Chowdhury, Mr. Ranajit—*contd.*

Question by—regarding staff of the Indian Mental Hospital, Ranchi. Page 215.

Question regarding travelling allowance for jurors. Pages 35 and 36.

Remarks of—regarding unanswered questions pending with the Government. Page 580.

Resolution by—regarding levy of pilgrim tax on railway tickets sold for Navadwip and Navadwip Ghat. Pages 107 and 108, 111-112.

Speech by—supporting the motion for circulating the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 561.

Speech by—in opposing the Calcutta and Suburban Police (Amendment) Bill, 1939 during the Third Reading Stage. Page 676.

Supplementary question by—on question regarding externment order of Sj. Joges Chandra Chatterjea Page 83.

Supplementary question by—on question regarding the Bengal Water-Hyacinth Act, 1936. Pages 79 and 80.

Supplementary question by—on short-notice question regarding grant of a subsidy to a local Bengali daily paper. Page 427.

Supplementary question by—on question regarding distribution of bulls. Pages 131 and 132.

Supplementary question by—to question regarding Jagannath Intermediate College. Page 671.

Supplementary question by—on question regarding protection of Jiaganj town from erosion of the river Bhagirathi. Page 252.

Supplementary question by—to question regarding the probable date of the inauguration of Federation. Page 531.

Pal Chowdhury, Mr. Ranajit—*concld.*

Supplementary question by—to question regarding proscription of "Pather Dabi." Page 505.

Panel of Chairmen—

Nomination made by Mr. President to the—. Page 54.

"Pather Dabi," proscription of—

Question by Khan Sahib Abdul Hamid Chowdhury and Mr. Kamini Kumar Dutta regarding—. Page 505.

Payment of Government revenue—

Question regarding—. Pages 28 and 29.

Physician and Surgeon to the Governor of Bengal—

Question regarding consultation between the—whenever any operation is performed on the Governor of Bengal. Page 429.

Question regarding appointment of a—. Page 429.

Platforms—

Question regarding low—at stations (Haur to Bankura) on the Bengal-Nagpur Railway. Page 34.

Playgrounds and gymnasia in mufassal municipality—

Question regarding—by Mr. Nur Ahmed. Pages 144 and 145.

Poddar, H. P.—

Question by—regarding frequent change of text-books for schools. Page 569.

Question by—regarding the Intelligence Branch. Page 203.

Question by—regarding anti-malaria work. Pages 635 and 636.

Poddar, H. P.—*concld.*

Question by—regarding Presidency General Hospital, Calcutta. Pages 44 and 45.

Question by—regarding Primary Education cess. Page 9.

Point of information—

—raised by Khan Bahadur Ataur Rahman as to whether members will have to give notices of those questions which will remain unanswered or they will be answered in due course. Page 582.

—raised by Mr. Lalit Chandra Das regarding amendment of section 57 of the Council Rules and Standing Orders. Pages 181-185.

Point of order—

—raised by Mr. Lalit Chandra Das regarding insufficiency of time for studying the amendments to the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 545 and 546.

—raised by Dr. Radha Kumud Mookerji as to whether the Resolution moved by the Hon'ble Mr. Tamizuddin Khan recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products is in accordance with the Government of India Act, 1935. Pages 540, 541, 542 and 543.

—raised by Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, regarding sending of amendments to the Bengal Tenancy (Second Amendment) Bill, 1938. Page 92.

—raised by Mr. Ranajit Pal Choudhury pointing out that the remark of the Hon'ble the Home Minister in the course of his speech opposing the motion for referring the Calcutta and Suburban Police (Amendment) Bill to a Select Committee, that the law was not felt necessary at one time because the evil of obstructing the Police from attending meetings did not exist, then, was contrary to what the Minister himself mentioned in the Statement of Objects and Reasons to the Bill. Page 609.

Point of order—*concld.*

—raised by Mr. Ranajit Pal Choudhury enquiring whether the members can reply to the challenge of the Hon'ble the Home Minister, asking the members to point out cases where the Police had committed excesses. Page 605.

—raised by the Maharaja of Santosh as to whether the Bengal Tenancy (Second Amendment) Bill, 1938, could be taken up for consideration for want of the usual 7 days' notice under section 83 of the Rules and Standing Orders. Pages 124 and 125.

—raised by Mr. D. J. Cohen regarding the irrelevancy of Mr. Shrish Chandra Chakraverti in referring to the powers already possessed by the Commissioner of Police while the House is concerned with the question whether a particular motion should be passed or not. Page 603.

Point of personal explanation—

—made by Babu Radha Kumud Mookerji explaining that the motion for referring the Calcutta and Suburban Police (Amendment) Bill has been moved not to obstruct the activities of the Government, but with a desire to sit with the Government and deliberate on the provisions. Page 608.

Point of privilege—

—raised by Dr. Radha Kumud Mookerji, as affecting the privileges of his party regarding the attitude of the House towards a very modest proposal brought by his party which involved showing some consideration for a great event (viz., the fast of Mahatma Gandhi over the affairs in the Rajkot State) which was happening elsewhere. Pages 431 and 432.

Point of Privilege—*concld.*

—raised by Dr. Radha Kumud Mookerji, that the privileges conferred by section 84(1) of the Government of India Act to lay down its own business and procedure, have been violated as no action has yet been taken on the report of the Select Committee submitted to the House more than 6 months back. Pages 216-223.

—raised by Mr. Humayun Kabir over the non-appointment of a Leader for the Upper House. Page 466.

Political prisoner(s)—

Question by Mr. Kamini Kumar Dutta regarding—. Page 84.

Question regarding prosecution of—for refusal to give their thumb impressions. Page 202.

Question regarding—Ambica Charan Chakraverti. Page 49.

Question regarding—Babu Prasanta Kumar Sen. Page 17.

Question regarding—Pravat Chandra Chakravarty. Page 18.

Posts of Secretary, Deputy Secretary, etc.—

Question regarding appointments made in the temporary—. Pages 23 and 24.

Presentation of the Fourth Report of the Privilege Committee—

—by Khan Bahadur M. Abdul Karim. Page 533.

Presidency College. Hall in the—

Question by Khan Sahib Abdul Hamid Chowdhury regarding—. Pages 503 and 504.

Presidency College. Accommodation for the Students' Union, etc., of the—

Question by Khan Sahib Abdul Hamid Chowdhury regarding—. Page 527.

Presidency General Hospital, Calcutta—

Question regarding—. Pages 44-46.

President, Mr.—

Announcement by—regarding Prorogation of the House. Page 678.

Announcement by—about the death of His Excellency the Right Hon'ble Lord Brabourne, Governor of Bengal, and adjournment of the Council in consequence thereof. Page 323.

Announcement by—of His Excellency the Governor's assent to—

The Bengal Repealing and Amending Bill, 1938. Page 506.

The Bengal Official Receivers Bill, 1938. Page 55.

Announcement by—that His Excellency the Governor had directed that the Hon'ble Finance Minister would reply to the Budget Discussion on the 24th February before Government Business fixed for that day was taken up. Page 320.

associates himself with the sentiments of condolence expressed by hon'ble members in connection with the Condolence Resolution regarding the death of Lord Brabourne. Pages 333 and 334.

Congratulation expressed by—when Khan Bahadur S. Fazal Elahi on his appointment as Sheriff of Calcutta. Page 54.

Decision by—as regards the verbal amendment of Mr. Humayun Kabir to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 659.

Enquiry by—as to how many other members were willing to take part in the Budget Discussion, and laying down a time-limit of 6 minutes by—for each hon'ble member who wished to speak. Page 373.

Nomination made by—to the Committee on Petitions. Page 54.

Nomination by—to the Panel of Chairmen. Page 54.

President, Mr.—*contd.*

Obituary references made by—Pages 1-3.

Observations of—on the point of order raised by Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, regarding sending of amendments to the Bengal Tenancy (Second Amendment) Bill, 1938. Page 92.

Observations by—that it was not for any member to accept or not to accept an amendment; it was for the House as a whole to do so. Page 245.

Observations by—on the withdrawal of the Resolution of Khan Bahadur Asaf Khan regarding employment by Government of Settlement employees. Pages 104 and 105.

Observations by—on the suggestions of Mr. E. C. Ormond for the withdrawal of motion of Khan Bahadur Asaf Khan regarding employment by Government of Settlement employees. Page 103.

Observations by—that motions passed by the House in the form of addresses to His Excellency the Governor were not to be considered as Resolutions but as Special Motions. Page 21.

Observations by—that he would like to consult the convenience of non-official members on non-official days and that of the members of the Treasury Bench on official days, in regard to the duration of a day's sitting. Page 69

Observations by—that, if a Bill had already been referred to a Select Committee by the Lower House, that fact barred a Select Committee motion in the Upper House in respect of the same Bill. Page 451.

Observations by—that if an adjournment motion was raised on the basis of a petition, then it could not be regarded as a matter of public importance or urgent. Pages 133 and 134.

President, Mr.—*contd.*

Observations by—that a member who has given notice of an adjournment motion ought to be in a position to take upon himself the responsibility of any statement which may have appeared in the papers, and on which he relies for his case. Page 135.

Observations by—in reply to a request on the subject that the business of the Legislature must be conducted in the English language as laid down in the Government of India Act. Page 177.

Observations by—that the Chair cannot give a ruling on any hypothetical matter. Page 185.

Observations by—on the Report of the Rules Committee which had not yet been discussed. Pages 185 and 186.

Observations by—on the admissibility of the adjournment motion of Mr. Lalit Chandra Das regarding the alleged drastic action taken by Government over the realization of arrears of rents and canal dues from the tenants of the Damodar Canal area. Pages 178-180.

Observations by—regarding the point of information raised by Mr. Lalit Chandra Das consequent on amendment of section 57 of the Council Rules and Standing Orders regulating the procedure relating to the discussion of ordinances. Pages 181-185.

Observations by—that in regard to section 84(3) of the Government of India Act, the Governor acts in his discretion and is not bound even to ask for the advice of his Ministers. Page 220.

Observations by—that a point of order can be raised only when in the opinion of a member there has been an error in the procedure. Page 224.

Observation by—that when a Bill came under Schedule VII, List III of the Government of India Act, the House has every right to pass any legislation, although it would entail amendments being made in the parent legislation. Page 232

President, Mr.—*contd.*

Observations by—that an hon'ble member incharge of a Bill could move that the Bill as amended be passed, only if there is no objection. Page 238.

Observations by—in asking Sir Edward Benthal to give his opinion about the admissibility or otherwise of Mr. Humayun Kabir's verbal amendment to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 659.

Observations by—in connection with the General Discussion of the Budget that it was not necessary to give a resume of all the points raised by an hon'ble member and that it was the duty of the Government to take note of them. Page 291.

Observations by—that every individual or party has the right to abstain from participating in the proceedings of the House at any time and their doing so does not involve any breach of the privilege of the House. Page 432.

Observations by—that if the House agreed unanimously, he would be willing to suspend the question hour for the next day and allow the question hour to be devoted to the discussion of the Budget for the benefit of the non-official members. Pages 363 and 364.

Observations by—that in the case of an adjournment motion it was for the House to permit an hon'ble member to move such a motion and the Chair only saw whether it was in order, viz., whether it fulfilled the requirements of the Rules and Standing Orders governing the admission of an adjournment motion. Pages 430 and 431.

Observations by—on the Hon'ble Home Minister's request for not having any sitting of the Council during the Budget Discussions in the Lower House. Page 534.

President, Mr.—*contd.*

Observations by—in consulting the leaders of the various parties as to the admissibility of Mr. Humayun Kabir's verbal amendment to the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain to clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill. Page 659.

Observations by—on the point of order raised by Dr. Radha Kumud Mookerji as to whether the Resolution moved by the Hon'ble Mr. Tamizuddin Khan recommending legislation by the Federal Legislature to regulate trade in drugs, medicines and biological products is in accordance with the Government of India Act, 1935. Pages 540, 541, 542 and 543.

Observations by—on the point of order raised by Mr. Lalit Chandra Das regarding insufficiency of time for studying the amendments to the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 545-546.

Observations by—on the sitting of the Council to discuss the Rules of the House. Page 536.

Observations by—in connection with the general feeling of disappointment expressed by hon'ble members at the inadequate time allotted for the general discussion of the budget, that the general practice followed in all Legislative Assemblies was that supporters of Government did not usually take much part in the Budget Discussion, thereby ensuring more facilities to the Opposition. Page 360.

Observations by—on the point raised by Khan Sahib Abdul Hamid Chowdhury as to whether any circular letter was issued inviting amendments to the Bengal Maternity Benefit Bill, 1938. Page 536.

Observations by—in reply to the complaint of Mr. Lalit Chandra Das regarding his unanswered short-notice question about some incidents in Noakhali. Page 581.

President, Mr.—*contd.*

Observations by—on the correctness of criticising the general policy of the Government in a discussion on the Supplementary Budget. Page 511.

Observations by—asking the Government if it is not possible to make the Explanatory Memoranda, appended to the Supplementary Budget, a little more elaborate so as to eliminate unnecessary criticism in the House by members and also requesting members to see the Hon'ble Finance Minister in his Chamber to get further explanation. Pages 519 and 520.

Observations by—explaining the purpose of the Supplementary Budget. Page 514.

Observations by—on the functions of the Public Accounts Committee. Page 509.

Permission not given by—to Rai Keshab Chandra Banerjee Bahadur to speak in Bengali, on the ground that Bengali was not the language of the House. Page 402.

Principles laid down by—governing adjournment motions, that at the "admission" stage the matter should not be argued on its merits, but the failure of Government to do certain acts must be established, and that the mere fact that there is likelihood of the matter being taken up to a Court of Law will not bring it within the restrictions imposed in cases which are already *sub judice*. Pages 369 and 370.

raised the question as to whether previous sanction of the Governor was taken under sub-clause (2)(*d*) of the section 108 of the Government of India Act, 1935, in regard to the Calcutta and Suburban Police (Amendment) Bill, 1939. Page 548.

Reply by—to a query of Mr. Humayun Kabir as to the appointment of a Leader for the Upper House that there was a communication from the Government appointing Hon'ble Mr. Nalini Ranjan Sarker as the Leader of the Upper House, although Mr. President's ruling in that connection was that the Leader must be a member of the Upper House. Page 466.

Reference by—to Sir Evan Cotton's death. Pages 523 and 524.

Remarks by—regarding the observations of Mr. Humayun Kabir about the privilege of the members to give notice of amendments on the floor of the House. Page 655.

Reply by—to the remarks of Mr. Ranajit Pal Choudhury regarding unanswered questions pending with the Government. Page 580.

Reply by—to Dr. Radha Kumud Mookerji's enquiry as to whether questions will become time-barred by prorogation. Page 582.

Ruling by—on the point of information raised by Khan Bahadur Ataur Rahman as to whether the members will have to give notices of those questions which will remain unanswered or they will be answered in due course. Page 582.

Ruling —regarding Mr. Labit Das's resolution regarding Mr. Gandhi's fast that as the motion came under section 118 of the Rules and Standing Orders of the Council, a special day would have to be allotted by the Governor for the discussion of that motion and as it was a day ear-marked for official business, the matter could not be taken up that day. Pages 464-466.

Ruling by—that references to the Lower House made in the speeches of the Hon'ble members of the Upper House will not be out of order. Page 197.

President, Mr.—*concld.*

Ruling by—on the point of privilege raised by Dr. Radha Kumud Mookerji to the effect that the privileges conferred by section 84(*1*) of the Government of India Act to lay down its own business and procedure have been violated as no action has yet been taken on the report of the Select Committee submitted as far back as 6 months ago. Pages 222 and 223.

Ruling by—on the remarks of Mr. Humayun Kabir claiming the privilege of giving notice of an amendment on the floor of the House, on the basis of a previous decision from the Chair. Page 650.

Ruling by—that Mr. Nur Ahmed's resolution regarding early steps to be taken for the imposition of import duty on rice and paddy imported from foreign countries was in order in view of a notice having been given by the Central Legislative Assembly terminating the Burma-India Trade Agreement. Page 158.

Ruling by—that he could not suspend the provision of Rule 83 regarding seven days' notice on every occasion especially when it tended to encroach on the rights of the members of the House. Page 125.

Primary Education Act in Mymensingh—

Question regarding—. Pages 9 and 11.

Primary Education Cess—

Question regarding—. Pages 6, 7, 9, 11, 12, 200, 201, 251, 252 and 416-418.

Privilege Committee. Presentation of the Fourth Report of the—

—by Khan Bahadur M. Abdul Karim. Page 553.

Prohibition—

Question regarding success or otherwise of the experimental measure of ... started in the Noakhali district. Page 410.

Properties forfeited to His Majesty—

Question regarding—. Pages 24 and 25.

Prorogation—

Announcement by Mr. President regarding—. Page 678.

Proscribed books of Kazi Nazrul Islam—

Question by Mr. Humayun Kabir regarding—. Page 550.

Proscription of Father Dalal—

Question by Khan Sahib Abdul Hamid Chowdhury and Mr. Kamini Kumar Dutta regarding—. Page 505.

Public Service Commission—

Question by Mr. Lalit Chandra ... regarding appointment of the members of the—. Pages 460-462.

Questionnaire—

Question regarding—issued ... Land Revenue Commission 203-205

Radhakishore Sugar Mill—

Question regarding—at Beldanga. Page 41.

Raikut, the Hon'ble Mr. Prasanna Deb—

Reply by—to the motion that the Salt Excise Preventive Department be not transferred from the Government of Bengal to the Central Government. Pages 166-169.

Rajkot State—

Adjournment motion tabled by Dr. Radha Kumud Mookerji regarding Mahatma Gandhi's fast protesting against the conduct of the authorities of the—. Pages 407 and 408.

Rajshahi College—

Question regarding expulsion of Rajshahi College students. Pages 199 and 200.

Rajshahi Collegiate School. The students of the—

Question by Khan Bahadur Maulvi Muhammad Ibrahim regarding—. Pages 528 and 529.

Rampur Ringhbhaw Reserve. Deforestation of—

Question by Mr. Nur Ahmed regarding—. Page 76.

Ray Chowdhury, Sir Manmatha Nath, of Santosh—

Discussion of the Budget by—. Pages 342-350.

Observations by—on the withdrawal of the Resolution of Khan Bahadur Asaf Khan regarding employment by Government of Settlement employees. Pages 104 and 105.

Observations by—on the Resolution of Khan Bahadur Asaf Khan regarding employment of discharged Settlement employees. Pages 102 and 103.

Point of order raised by—regarding sending of amendments to the Bengal Tenancy (Second Amendment) Bill, 1938. Page 92.

Point of order raised by—as to whether the Bengal Tenancy (Second Amendment) Bill, 1938, could be taken up for consideration as 7 days' notice of the intention to move was not given in accordance with section 83 of the Rules and Standing Orders. Pages 124 and 125.

Ray Chowdhury, Sir Manmatha Nath, of Santosh —*concld.*

Speech by—on the Condolence Resolution regarding the death of Lord Brabourne. Pages 331 and 332.

Speech by—regarding Bengal Tenancy (Second Amendment) Bill, 1938. Pages 399, 400, 438-440 and 448.

Reappointment of retired Government servants—

Question regarding—. Pages 13-15.

Recruitment—

Question regarding—of Inspectors of the Co-operative Department. Pages 206 and 207.

Recruitment of Bengalees—

Question regarding—to services in the Indian Mental Hospital, Ranchi. Pages 213 and 214.

Reduction of the cost of civil and criminal litigation—

Question by Mr. Nur Ahmed regarding—. Pages 91 and 92.

Reduction of rent—

Question regarding—. Pages 25 and 26.

Re-excavation of the Dholai Khal—

Question regarding—by Khan Bahadur Kazi Abdur Rashid. Page 463.

Re-excavation of the Dhurang Khal—

Question by Mr. Nur Ahmed regarding—. Page 88 and 89.

Reference to Sir Evan Cotton's death—

—by Mr. President. Pages 523 and 524.

References to the Lower House—

Point of information as to whether—in the speeches of members of the Upper House would be in order. Pages 196 and 197.

Registration Department—

Question regarding the creation of one post of Inspecting Officer in the—. Pages 249-251.

Registration Department. Grievances of the employees of—

Question regarding—by Mr. Shrish Chandra Chakraverti. Page 575.

Registration Employees' Association. The All-Bengal—

Question by Mr. Krishna Chandra Roy Chowdhury regarding—. Page 529.

Question by Mr. Shrish Chandra Chakraverti regarding—. Pages 501 and 502.

Registrar of Assurances—

Question regarding appointment of clerks from outsiders in the office of the—. Pages 12 and 13.

Registration Office—

Question regarding clerks and copyists of the—. Pages 8 and 9.

Registry office. Binding works in the—

Question regarding—by Mr. Krishna Chandra Ray Chowdhury. Page 615.

Registry Office, Calcutta—

Question regarding allegations against the—. Page 421.

Registry Office, Calcutta. Copyists of—

Question by Mr. Shrish Chandra Chakraverti regarding—. Page 570.

Re-instatement of pension—

Question by Mr. Kamini Kumar Dutta regarding—to Babu Uma Charan Chowdhury. Page 84.

Report of the Dacca Medical School Enquiry Committee—

Question regarding—. Pages 175-177.

Resolutions—

Questions regarding tabling and discussion of, and action taken on—moved in the Legislature Council and the Legislative Assembly. Pages 19-21.

Retrenchment—

Question regarding—made since April, 1937. Pages 15 and 16.

Question regarding White Paper on—. Pages 121 and 122.

Revenue-paying estates—

Question regarding—in the Presidency Division. Pages 26 and 27.

Revenue sales—

Question regarding imposition of fees for exemption from—. Pages 30 and 31.

Rights of the tenants—

Question regarding—. Pages 29 and 30.

Rezzakul Haider, Chowdhury Khan Bahadur—

Question by—regarding absence of proper landing stages and passenger sheds, at Hatiya and Sandwip Steamer Ghats. Page 35.

Road repair

Question regarding grant for—in Jiaganj-Azimganj Municipality. Page 53.

Road development—

Question by Mr. Balit Chandra Das regarding—. Pages 71 and 72.

Road Development Scheme, Aracan—

Question by Mr. Nur Ahmed regarding—. Page 73.

Roy Chowdhury, Mr. Krisnna Chandra—

Discussion of the Budget by—. Pages 350-354.

Question by—regarding the daily copying work of each muharir. Page 571.

Question by—regarding the All-Bengal Registration Employees Association. Page 529.

Question by—regarding transfer of employees under the District Sub-Registrar's Office. Page 524.

Question by—regarding binding works in the Registry Office. Page 615.

Speech by—on the Resolution to re-employ in Government offices, clerks, etc., discharged from the Settlement Department. Pages 65 and 66.

Supplementary question by—to question regarding All-Bengal Registration Employees Association. Pages 502 and 503.

Rules—

Question regarding—of daily practice in the High Court and in the Subordinate Courts. Pages 36 and 37.

Point of information as to the submission of the Report of the—. Pages 185 and 186.

Rules for the appointment and promotion of Government servants—

Question regarding—. Pages 5 and 6.

Ruling—

—given by Mr. President that references to the Lower House made in the speeches of the hon'ble members of the Upper House would not be out of order. Page 197.

—given by Mr. President on the point of order raised by the Maharaja of Santosh as to whether the Bengal Tenancy Second (Amendment) Bill, 1938, could be taken up for consideration in the absence of the usual 7 days' notice. Page 125.

—given by Mr. President on the point of privilege raised by Dr. Radha Kamud Mookerji that the privileges confirmed by section 84(1) of the Government of India Act to lay down its own business and procedure have been violated inasmuch as no action had as yet been taken on the Report of the Select Committee which was submitted to the House more than 6 months back. Pages 222 and 223.

—given by Mr. President on a point of order regarding the amendment of section 57 of the Council Rules and Standing Orders. Pages 181-185.

Salary of the new Ministry—

Question regarding—. Pages 421 and 422.

Sanyal, Mr. Sachindra Narayan—

Speech by—in support of the Resolution moved by Khan Bahadur Asaf Khan, regarding employment by Government of discharged Settlement employees. Page 93.

Sarker, the Hon'ble Mr. Nalini Ranjan—

Presentation of Supplementary Estimate of Expenditure by—. Page 466.

Sarker, the Hon'ble Mr. Nalini Ranjan—*concld.*

Presentation of the Budget Estimate for the year 1939-40 by—. Pages 186-196.

Remarks by—in opposing an adjournment motion regarding a letter written by the Hon'ble the Chief Minister to Maulvi Chowdhury Shamsuddin Ahmed in which he charged most of the Hindu officers with disloyalty. Pages 430 and 431.

Remark by—on Khan Bahadur S. Fazal Elahi's adjournment motion regarding expressing the sympathy of the House with the Palestine Arabs in their fight for the protection of their self-respect. Page 123.

Reply by—to the Resolution regarding imposition of import duty on rice and paddy imported from foreign countries. Pages 164-166.

Reply by—to the Budget Discussion Pages 386-397.

Replies to the point of order raised by Mr. Kamini Kumar Dutta whether the imposition of import duties on rice and paddy was in order in view of the India and Burma Trade Regulation Order of 1937. Page 158.

Speech by—introducing the Condolence Resolution regarding the death of the Rt. Hon'ble Lord Brabourne. Page 325-328.

Speech by—on the discussion on the Supplementary Estimate. Pages 514, 515, 516, 517, 518 and 519.

Speech by—on the Resolution of Rai Bahadur Surendra Narayan Sinha regarding public holiday or local holiday for the Rathajatra festival. Pages 113 and 114.

Sarker, Rai Sahib Indu Bhusan—

Discussion of the Budget by—. Pages 380-382.

Enquires what is meant by "Interest on revenue refunds." Page 518.

Speech by—on the Bengal Relief to the Poor and Enemployed Bill, 1937. Page 234.

Sarker, Rai Sahib Indu Bhusan—*concld.*

Speech by—on the discussion on the Supplementary Estimate. Page 513.

—wants to be enlightened regarding the Famine Relief Grant. Page 513.

Scarcity—

Question regarding food—in Goalundo subdivision. Pages 21 and 22.

Seal, Dr. Brojendra Nath—

Obituary reference to—. Page 2.

Sen, Prasanta Kumar—

Question regarding—, political prisoner. Page 17.

Separation of judicial and executive functions—

Question regarding—. Page 49.

Shamsuddin Ahmed, the Hon'ble Mr.—

Reply by—to the motion for taking early steps to impose import duties on rice and paddy imported from foreign countries. Pages 160 and 161.

Shaukat Ali—

Obituary reference to Maulana—. Page 3.

Sil, Birendra Nath—

Question regarding prosecution of— for smuggling of arms. Pages 423 and 424.

Singh Roy, the Hon'ble Sir Bijoy Prasad—

Notice given by—of an amendment for the circulation of the Bengal Non-Agricultural Tenancy Bill, 1937. Page 137.

Notice of an amendment given by—for the circulation of the Bengal Land Alienation Bill, 1938. Pages 187 and 138.

Singh Roy, the Hon'ble Sir Bijoy Prasad—*concld.*

Notice of an amendment given by—for circulation of the Bengal Estates Partition (Amendment) Bill, 1938. Page 143.

Notice given by—of his intention to move for the consideration of the Bengal Tanks Improvement Bill, 1938, on the 17th February, 1939. Page 137.

Notice of an amendment given by—for the circulation of the Bengal Emergency Rent Remission Bill, 1938. Page 138.

Replies to the point of order that consideration of the Bengal Tenancy (Second Amendment) Bill, 1938, moved by him could not be taken up for want of 7 days' notice. Page 125.

Report of the Select Committee on the Bengal Relief to Poor and Unemployed Bill, 1937, presented by—. Page 139.

Speech by—on the Bengal Relief to the Poor and Unemployed Bill, 1937. Pages 225, 227-228, 232-234, 237-238, 240.

Speech by—on the resolution of Khan Bahadur Asaf Khan regarding employment by Government of discharged Settlement employees. Pages 98-101.

Speech by—regarding Bengal Tanks Improvement Bill, 1938. Pages 451-454.

Speech by—regarding Bengal Tenancy (Second Amendment) Bill, 1938. Pages 398-404, 434, 437, 447-448, 449.

Speech by—regarding Bengal Rates of Interest Bill, 1938. Page 450.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur—

Question by—grant for road repair in Jiaganj-Azimganj Municipality. Page 53.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur—*concld.*

Question by—regarding Jail Administration. Page 18.

Question by—regarding Education Cess in Murshidabad district. Pages 6 and 7.

Question by—regarding Howrah Bridge. Page 91.

Question by—regarding reduction of rent. Page 25.

Question by—regarding Debt Settlement Boards. Page 35.

Speech by—regarding Bengal Tanks Improvement Bill, 1938. Page 454.

Speech by—regarding Bengal Tenancy (Second Amendment) Bill, 1938. Pages 442 and 443.

Speech by—regarding Bengal Dentists Bill, 1938. Pages 489, 494.

Supplementary question by—on question regarding Beldanga Radhakishore Sugar Mill. Page 42.

Sinha, Rai Bahadur Surendra Narayan—

Discussion of the budget by—. Pages 377-379.

—moves resolution regarding public holiday or local holiday for the Rathajatra festival. Page 113.

Question by—regarding establishment of a municipality at Beldanga. Page 410.

Question by—regarding number of districts affected by the recent flood. Page 285.

Question by—regarding distribution of bulls. Page 181.

Question by—regarding burrowpits in the districts of Murshidabad. Pages 90 and 91.

Question by—regarding protection of Jiaganj town from erosion of the river Bhagirathi. Page 252.

Question by—regarding number of cases disposed of under the Bengal Agricultural Debtors' Act. Page 420.

Sinha, Rai Bahadur Surendra Narayan—*concld.*

Question by—regarding flood in the Murshidabad district. Pages 27 and 28.

Remarks by—on the Bengal Relief to the Poor and Unemployed Bill, 1937. Page 232.

—withdraws his resolution regarding public holiday or local holiday for the Rathajatra festival. Page 114.

Small ttas of Chittagong—

Question regarding—. Pages 424 and 425.

Students of the Rajshahi Collegiate School—

Question by Khan Bahadur Maulvi Muhammad Ibrahim regarding—. Pages 528 and 529.

Students' Union, etc., of the Presidency College. Accommodation for the—

Question by Khan Sahib Abdul Hamid Chowdhury regarding—. Page 527.

Sugar Industry—

Question regarding steps taken to protect the—in Bengal. Pages 32 and 33.

Suhrawardy, the Hon'ble Mr. H. S.—

Motion by—for consideration passing of the Bengal Maternity Benefit Bill, 1938. Pages 536 and 537.

Notice of a motion given by—that the Bengal Maternity Benefit Bill, 1938, be taken into consideration on a certain date. Page 147.

Reply by—to the motion for consideration of the Bengal Shop Prices Regulation Bill, 1938. Pages 242 and 243.

Speech by—in support of clauses 2 and 3 of the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 663, 664, 665, 666, 667.

Suhrawardy, the Hon'ble Mr. H. S.—*concld.*

Speech by—on the resolution of Mr. Ranajit Pal Choudhury regarding levy of pilgrim tax on railway tickets sold for Navadwip and Navadwip Ghat. Pages 110 and 111.

Suits and cases in the civil courts—

Question regarding—. Pages 174 and 175.

Supplementary estimate of expenditure—

Presentation of—by the Hon'ble Mr. Nalini Ranjan Sarker. Page 466.

Surgeon to His Excellency the Governor of Bengal—

Question regarding appointment of a-. Pages 428 and 429.

Sgt.-Major W. J. Berrangan—

Question regarding assault on—of the 2nd Battalion Border Regiment in the Darjeeling Mail. Pages 201 and 202.

Surgical operation—

Question regarding bulletins issued about the—performed on the late Lord Brabourne. Pages 429 and 430.

Systems of medicine—

Question by Mr. Nur Ahmed regarding Unani and Ayurvedic—. Page 76.

Tamizuddin Khan, the Hon'ble Mr.—

—moves for recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products. Page 540.

Observations by—on the point of order raised by Dr. Radha Kumud Mookerji as to whether the resolution moved by—recommending legislation by Federal Legislature to regulate trade in drugs, medicines and biological products is in accordance with the Government of India Act, 1935. Pages 541, 542, 543.

Speech by—on the Bengal Dentists Bill, 1938. Pages 485-487, 491-492, 494, 497-498.

Tax—

Question regarding Primary Education—. Pages 7 and 8.

Question regarding rights of the—. Pages 29 and 30.

Text-books in schools—

Question regarding change of—. Page 409.

Text-books for schools. Frequent change of—

Question by Mr. H. P. Poddar regarding—. Page 569.

Tiffin to Students. Provision ...—

Question regarding—by Khan Bahadur Maulvi Muhammad Ibrahim. Page 574.

Transfer of employees under the District Sub-Registrar's Office—

Question by Mr. Krishna Chandra Roy Chowdhury regarding—. Page 524.

Travelling allowance—

Question regarding—for jurors. Page 35.

Tube-wells

Question regarding scheme for the improvement of—within the Debhatta Municipality. Pages 215 and 216.

Tuition fees in high schools—

Question regarding—by Khan Bahadur Maulvi Muhammad Ibrahim. Page 640.

Unani and Ayurvedic systems of medicine—

Question by Mr. Nur Ahmed regarding—. Page 76.

Vaisakhi Purnima—

Question regarding public holiday for—. Pages 118-121.

Villages

Question regarding medical aid to women in the—. Pages 129 and 130.

Water-hyacinth Act, 1936. The Bengal—

Question by Khan Bahadur Saiyed Muazzamuddin Hosain regarding—. Pages 77-79.

Water-supply in the countryside—

Question regarding—. Pages 51 and 52.

White Paper on Retrenchment—

Question regarding comments on—. Pages 121 and 122.

Wilmer, Mr. D. H.—

Speech by—on the Calcutta and Suburban Police (Amendment) Bill, 1939. Pages 560 and 561.

Speech by—on the Bengal Tanks Improvement Bill, 1938. Page 453.

Speech by—on the Bengal Tenancy (Second Amendment) Bill, 1938. Page 445.

B. G. Press—1939-40—8123A—7-40.